



Study of the Structure of Emergency Management

Local Emergency Management Systems:
Report and Recommendations for a Stronger Iowa

Submitted by the Advisory Committee for the Study of
the Structure of Emergency Management

February 2006

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February 2006

David L. Miller
Administrator
Iowa Homeland Security and
Emergency Management Division
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Des Moines, IA 50319

Dear Mr. Miller:

Nearly 18 months ago you expressed confidence in local emergency management officials and first responders to undertake self-examination of the structure of the local emergency management system in light of past experience, present circumstances, and future demands for enhanced capacity within the system. While it was difficult to acknowledge the importance of this study, the challenge was accepted and met head-on.

With pleasure and optimism, the Advisory Committee of the Study of the Structure of Emergency Management submits its report and recommendations for your consideration. The report reflects the expansive outreach to hear the issues and concerns of stakeholders statewide. The recommendations represent the consensus of the Advisory Committee, with the advice and support of the Iowa Emergency Management Association (IEMA) Executive Board. Based on their experience, information incorporated throughout the process, and consideration of practicality and feasibility, members of the Advisory Committee thoroughly discussed and deliberated the recommendations.

The enclosed report provides a review of the issues addressed and a set of recommendations that are intended to be considered as a whole. The Advisory Committee emphasizes the recommendations be implemented as an interdependent set to yield the impact necessary to improve the current system.

The Advisory Committee transmits this report and recommendations with our gratitude for your ongoing support of these locally-driven efforts to enhance local emergency management capacity. Further, we look forward to working closely with you and HLSEM to advance the enclosed policy and organizational recommendations.

Respectfully submitted,

Advisory Committee
Study of the Structure of Emergency Management

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Acknowledgments

The Study of the Structure of Emergency Management (SSEM) Advisory Committee, in cooperation with the Iowa Emergency Management Association (IEMA) Executive Board, developed a set of recommendations to address concerns about the governance, authority, and funding of local emergency management agencies and their programs. Many individuals and organizations invested an extraordinary amount of time and energy throughout the process in developing the contents of this report.

The SSEM Advisory Committee wishes to express its great appreciation to David Miller, Administrator of Iowa Homeland Security and Emergency Management Division, for providing the opportunity for this study with financial support as well as his commitment to improving the statewide structure for emergency management.

A number of individuals and organizations contributed their expertise in informing and supporting the work of the Advisory Committee. The SSEM Advisory Committee recognizes and thanks the following for their support and assistance:

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- Focus group participants for taking time to engage in a discussion about the importance of emergency management and provide valuable first-hand expertise;
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- Jerry Whetstone, Altoona Fire Chief, for promoting the regional outreach meetings and engaging fire chiefs from around the state; and
- Lisa Sexton, Planning Specialist for Iowa Homeland Security and Emergency Management Division, for her assistance in scheduling ICN locations for outreach.

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With gratitude,
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Preface

Recent events around the country have highlighted the importance of having an effective emergency management structure in place to provide a comprehensive approach to preparedness, response, recovery, and mitigation to disasters of all kinds. From the terrorist attacks of September 11, 2001, to the wrath of Hurricane Katrina in 2005, Iowans have witnessed devastation resulting from disasters beyond human control. Communities within Iowa also experienced disasters during the past several years, ranging from flood damage to tornado devastation. Even the best emergency management program cannot always prevent a disaster from occurring, but it can minimize the impacts of a disaster. Adequate mitigation, preparedness, and response can diminish the adverse effects of disasters – both manmade and natural – on property, local economies, and, most importantly, the health and safety of citizens.

The 2004 State Homeland Security Grant Program provided resources to conduct evaluations of emergency management programs in Iowa, which vary greatly from county to county. Agencies range from having a part time coordinator to a full time coordinator with a staff of five or six. Inconsistencies also exist among counties in the level of activities and the responsibilities assumed by Emergency Management Coordinators. The purpose of the funding was to focus on local government organizations for emergency management and homeland security within the state.

Each of Iowa's 99 counties currently has an Emergency Management Commission comprised of members of the county Board of Supervisors, the Sheriff, and the Mayor from each incorporated city within the county. The commission is responsible for establishing an Emergency Management Agency and hiring a Coordinator for their county. The commission also sets policy and priorities for the agency's programs. With 99 counties with a wide range of size, population, and risks, local emergency management programs differ to reflect the specific county situations. Funding of local emergency management comes from a variety of local, state, and federal sources to the commission. However, the levels of funding, structure, and execution of duties vary greatly across the state, resulting in varying degrees of preparedness.

With increased awareness and attention being paid to emergency management and homeland security, state and local officials began examining the adequacy of Iowa's system. Much of the discussion and debate among counties centered on a few major themes: the local view vs. the federal view, emergency management vs. homeland security, and the inconsistencies across counties. The grant funding made available by the Iowa Homeland Security and Emergency Management Division provided an opportunity to study these issues as well as to educate public officials about the functions of emergency management.

The Study of the Structure of Emergency Management (SSEM) Advisory Committee formed to conduct this study and develop a set of recommendations. The Committee consisted of key stakeholders including Emergency Management Coordinators, first responders, local elected officials, and state agency representatives. Specifically, the Advisory Committee focused on the governance, authority, and funding of local emergency management agencies and their programs within the context of the larger issues. What follows is the outcome of their extensive work.

Executive Summary

The Study of the Structure of Emergency Management (SSEM) Advisory Committee performed an extensive review of the local emergency management structure and capacity throughout the state. In response to issues with the structure of the local system raised by County Emergency Management Coordinators over time, Iowa Homeland Security and Emergency Management Division offered to fund the study with the expectation that it be driven by local stakeholders in the system. Emergency Management Coordinators agreed to participate and advise in the study process to develop recommendations to enhance local emergency management.

Applying the expertise of Emergency Management Coordinators, first responders, local policymakers, and other local emergency management stakeholders, the Advisory Committee developed a set of recommendations to improve the overall effectiveness of Iowa's emergency management structure. The final recommendations reflect the input of hundreds of stakeholders through two series of focus groups and community meetings conducted on behalf of the Advisory Committee by State Public Policy Group, Inc. (SPPG) throughout the state.

The Advisory Committee identified six key areas of concern that must be addressed in order to best support the mission of local emergency management:

- Funding for local emergency management
- Governance of the Emergency Management Agency
- Authority of the governing entity
- Staffing and personnel challenges
- Inter-discipline engagement and implementation
- Image and understanding of local emergency management

This report provides a review of the issues addressed and a set of recommendations that are intended to be considered as a whole. The Advisory Committee emphasizes the recommendations will not provide the necessary improvements if adopted incrementally. Further, local emergency management must play an active role in advocating the proposed changes by engaging key stakeholders and policymakers and undertaking a public education effort to affect a change in policy.

Policy Recommendations

Funding – Change Iowa Code in the following ways:

1. Change Section 29C.17 so "...the county emergency management agency's approved budget SHALL be funded by one or any combination of the following options..." This recommendation should be pursued and accompanied by the recommendation and implementation of state appropriations to support a base program in each county.
2. Keep the existing four funding options as they currently read in the Code. Add taxing authority for the Commission to the funding options in Section 29C.17.
3. Add another option to the list of funding options provided in Section 29C.17: Voluntary and/or share allocation for private and tax-exempt enterprises.

4. Require a general state appropriation specifically to provide an equitable amount of base funding for each local Emergency Management Agency on an annual basis.
5. Fund a portion of local emergency management with a surcharge on residential and commercial building insurance policies.

Governance – No change is recommended to Iowa Code regarding the structure of the Emergency Management Commission.

Authority – Add taxing authority for the Commission to the funding options outlined in Section 29C.17. Taxing authority will be one of the options available to Emergency Management Commissions for funding local Emergency Management Agencies.

Natural Relationships – Natural relationships are recommended as a policy consideration intended as a proactive approach to potential legislative proposals focused on reducing or regionalizing local government. Emergency Management Agencies are independent of county or municipal government; they are municipalities without taxing authority, as established in Iowa Code. Collaborations and joint efforts will continue to be undertaken by county Emergency Management Agencies based on the natural and practical need for jurisdictions to work together on an initiative. Partners may not always be the same EMAs or other jurisdictions and departments. Partners will not be mandated by state government; rather, they will be self-selected at the local level based on need.

Recommendations for State Agencies

1. The Advisory Committee suggests the federal and state agencies enforce existing Iowa Code and Rules to ensure compliance by local jurisdictions.
2. HLSEM should take the lead among state and federal agencies to focus attention on the statewide system to address multiple and duplicative requirements by state agencies. HLSEM should also lead efforts to address the impacts on local emergency management capacity to fulfill the requirements.
3. State agencies should work closely with local emergency management to identify and provide necessary support to the local staff. State agencies should also work with local officials to better coordinate and integrate processes and plans.

Implementation of these recommendations will strengthen local capacity through better information and consistent guidance in programs across jurisdictions and agencies.

For Iowa's future and the safety of its citizens, local emergency management policy and structure need to support the improvement and increased capacity of local jurisdictions to prevent, protect, respond, and recover from disasters of all types. The recommendations proposed by the Advisory Committee for the Study of the Structure of Emergency Management will help position Iowa jurisdictions to achieve their emergency management mission.

The Roles of the Study Advisory Committee and the Iowa Emergency Management Association

The Study of the Structure of Local Emergency Management was an initiative that allowed local stakeholders to set the course for the future of local emergency management in Iowa. Local emergency management coordinators and stakeholders shaped the process and developed recommendations through extensive statewide outreach and ongoing input from key groups. Two groups served in an advisory capacity throughout the process.

- Study Advisory Committee
- Executive Board, Iowa Emergency Management Association (IEMA)

The Study Advisory Committee is a multi-disciplinary group of stakeholders charged with the ultimate responsibility of developing recommendations regarding the structure of Iowa local emergency management system. The Advisory Committee is comprised of individuals from across the state representing a broad range of perspectives and areas of expertise, including county emergency management commissions, local elected officials, and first responders. Additionally, the Committee includes two county Emergency Management Coordinators, one of which served as a liaison between the IEMA Executive Board and the Advisory Committee.

The Iowa Emergency Management Association (IEMA) is a membership organization comprised of county emergency management personnel throughout Iowa. The Association is led by an Executive Board, which includes a representative from each of Iowa's six emergency management districts. The IEMA Executive Board assisted with initially defining the need for a comprehensive look at Iowa's local emergency management structure. The group also highlighted preliminary issues that would be reviewed and considered by the Advisory Committee and local outreach participants. IEMA served as a reality check regarding the feasibility and practicality of recommendations throughout the study process.

As recommendations were developed and refined through outreach, stakeholder, and public comment, the Advisory Committee and the IEMA Executive Board met jointly to draft and reach consensus on final recommendations.

Advisory Committee members and the IEMA Executive Board are listed on page 5.

The Local Emergency Management System – Issues and Concerns

All emergencies are local. Local emergency management capability is a wise investment. When that call comes in, it is local responders and emergency management – not the state or federal officials – who are first on the scene.

No system involving people and problems is perfect. Even if it is near-perfect, gradual shifts in priorities, methods, and communities will occur with time so that the old system no longer is as appropriate as in years before. Local emergency management is a classic example of this slow change. The year-long study of the structure of emergency management focused on Iowa's system at the local level, from various perspectives, with the purpose of determining the best possible structure for today and the future, while preserving the elements of lasting value.

It is no surprise to those working in or with local emergency management that concerns and unaddressed issues have, over time, emerged and become more pronounced. The undercurrent of frustration over persistent, unresolved issues is the impetus for this study. General areas of concern identified by the Study of the Structure of Emergency Management Advisory Committee, and affirmed in discussions of the IEMA Executive Board, include the following:

- Funding for local emergency management
- Governance of the Emergency Management Agency
- Authority of the governing entity
- Staffing and personnel challenges
- Inter-discipline engagement and implementation
- Image and understanding of local emergency management

In this section of the report, a brief history of local emergency management will set the stage for an explanation of the issues faced by all stakeholders in the local system, particularly the Emergency Management Commissions and Emergency Management Coordinators.

Structure

Local emergency management is addressed in Iowa Code Chapter 29C and in Iowa Administrative Code 605 Chapter 7 (see Appendix). Local emergency management governance, authority, fiscal responsibility, organization, and programs are set forth in these policy documents. Compliance with the scope of these mandates, coupled with significant additional federal mandates, creates high expectations for level of effort and compliance on the part of the local emergency management agencies.

There are 99 local emergency management jurisdictions in Iowa which follow county boundaries. Iowa Code creates an Emergency Management Agency, governed by a Commission, that is an independent municipality in every sense except possessing taxing authority. There is an emergency management fund established and located in each county treasurer's office. Membership on the

Emergency Management Commission is designated in the Code: the county sheriff, a representative of the Board of Supervisors, and the mayor (or designee) from each municipality in the county.

The Commission is required by law to hire an Emergency Management Coordinator (EMC) who is charged with carrying out the program of the Emergency Management Agency (EMA). The Administrative Code outlines the qualifications and training required of an EMC, as well as the responsibilities of the EMC in implementing the county program.

Funding Local Emergency Management Agencies

The Commission determines how the local Emergency Management Agency will be funded by designating one or more of four options set forth in Iowa Code. Once the option(s) is selected, the responsible jurisdictions in the county transfer funds to the emergency management fund for the costs of the local emergency management operations and locally-funded programs.

Programs of local priority that are not approved federal programs are typically funded with local funds. The Commission relies on the EMC to develop and carry out local priority emergency management programs. With a budget presented and approved by the Commission, funds for local priority programs are included in the Agency's budget and paid for with revenue generated through the option or options designated by the Commission. Emergency Management Agencies are not immune to the budget constraints of local governments, and funding for local emergency management programs continues to be balanced with other local funding needs.

Funding for the local implementation of approved federal programs comes directly from federal sources, via Iowa Department of Homeland Security and Emergency Management (HLSEM), and is subject to the guidance and restricted uses established by the federal funding agency. Typically, personnel costs are not eligible items under these grants.

As federal program funds are disseminated to local Agencies through HLSEM, the state may impose additional conditions or requirements for performance or specific reporting to show accountability in use of the funds.

One source of federal funding is designated for personnel costs, and may pay up to half of the Emergency Management Coordinator's salary if the county is in compliance with mandates. Typically this amount is around 40% and varies from county to county. This Emergency Management Performance Grant (EMPG) must be requested through application on an annual basis.

No State of Iowa funding is currently appropriated and designated for local emergency management.

Relationship of Emergency Management Agencies to Other Levels of Government

It is important to reiterate that the Emergency Management Agency is not a part of county government, nor is it part of any city government – it is an independent municipality. It is often assumed that county government is responsible for the EMA and that the EMC is an employee of the county, but this is not the case. This structure does contribute to some of the issues with local emergency management, however, which will be demonstrated later in this section.

The role of the EMA in each county is that of a coordinator. The Emergency Management Coordinator is the chief of staff to the policy authority for the jurisdiction in time of an incident. Escalation or magnitude of an event may overwhelm local resources. The Emergency Management Agency is the agency designated to work with state officials to secure a state or federal disaster declaration. The incident commander may vary depending on the kind of event, but the EMC is not an incident commander. Rather, the EMC brings necessary resources to bear for response. For example, when sandbags or end loaders are needed, the EMC knows where to procure them and how to get them to the scene. When communication with the state HLSEM is needed, the EMC is the point of contact.

A considerable level of collaboration and cooperation occurs between and among EMCs in Iowa in everything from shared training to joint program initiatives. There is a history of working across county lines to get more done with less money and human capacity. Ten years ago, most counties had only a part-time Coordinator. The trend is moving very slowly toward increased numbers of counties with full-time EMCs.

With the evolution of emergency management over the years, including the more recent emphasis on homeland security issues, the roster of stakeholders has increased substantially. In addition, the relationships between stakeholders have changed as the demands for multi-discipline, integrated preparedness and response have increased. For example, the emergence of bioterrorism as a priority led to public health and health systems becoming active participants alongside the more traditional fire, emergency medical services (EMS), and law enforcement. A result of the expansion of the scope of emergency management is additional responsibility and coordination required of local emergency management staff. More plans need to be developed, updated, and aligned across disciplines, more multi-discipline exercises conducted, and appropriate cross-discipline and discipline-specific training delivered. For example, the EMC now needs to be an active participant in planning, exercise, and training in public health, health care (hospitals), agriculture, animal health, and more.

County EMCs typically have a mutually-supportive relationship with first responder disciplines in their jurisdictions. In fact, a significant element of their role is to be engaged with first preventer/responders and others to identify and manage resources necessary for effective response. In recent years, as certain federal funding streams dictated distribution of funds in a “regional”

structure, some tension and dissatisfaction with the system was addressed in a manner as participative and fair as possible.

County Emergency Management Agencies and the Coordinators have close ties to Iowa Homeland Security and Emergency Management. By law, HLSEM is the policy liaison for local EMAs to the Iowa Legislature and Governor's Office. On a day-to-day basis, it is HLSEM that links the local efforts with the federal requirements and serves as the resource agency for technical assistance, advice, accountability, and program support. While HLSEM does pass along the federal requirements and expectations to the local Agencies, at times it adds or creates additional requirements of local EMAs that allow the state HLSEM to comply with mandates it also receives from Washington, DC.

Some stakeholders resent the ability of HLSEM to use 20% of the federal homeland security funding for state functions. There has been concern in recent years that some of the homeland security funds have been designated for local response on a statewide scope. Overall, local emergency management sees and appreciates the contribution and role of HLSEM, but continues to want a system with fewer state mandates and more funding provided directly for locally-determined efforts.

Local EMAs have relatively little direct contact with US Department of Homeland Security; rather, the liaison role is fulfilled by the state office. It would be difficult to disprove the claim that most of the mandates to local emergency management originate with federal requirements. Again, there is a balance of dislike for the preponderance of laws, rules, and guidance with a dependence on funding provided. Counties need the federal funds to implement their local initiatives. With a few exceptions, counties regularly comply with the regulations, which makes counties eligible for receiving federal program funds.

History of Emergency Management

Many of the older baby boomers remember the days of "Duck and Cover" drills in their school classrooms. This Cold War Civil Defense era began to establish emergency management at the local level. The local Civil Defense Director was responsible to know how to manage a community response in case of nuclear attack. Fallout shelters were constructed in public places, such as basements of schools, and many families also built and stocked similar shelters in their homes.

At the same time, emergency management activities as we know them today were handled differently. If a tornado blew through the area, the fire department (most likely a volunteer unit) and local law enforcement helped affected people and took care of the clean-up of damage to public areas. Many citizens turned out with their trucks, tractors, and wagons to help their neighbors haul away debris. This was an informal system created in communities by need, without complicated federal involvement.

Gradually, as the Cold War ended, the role of the Civil Defense Director changed into that of Emergency Management Agency. Eventually, Iowa Code formalized the EMA and some of its roles in the community. With the floods of 1993, Iowa's EMAs and the Coordinators became "important" for

the first time and received state and national attention – not directly for the good job they did, but as the television cameras showed the effectiveness of their advance preparation seen through water delivery, sandbagging, rescue, shelter, and other critical functions of emergency management.

As emergency management matured, and statewide disasters faded, the discipline typically faded away in the minds of the public and of policymakers. After all, when an EMC does her/his job well, everything goes without a problem, and smooth functioning becomes an expectation. Without the planning, preparedness, mitigation, and all the other efforts of local emergency management programs, residents of the jurisdiction could not count on well-managed relationships and coordinated response. It is difficult to get attention and funding to pay for what is perceived by the public and even policymakers as something that “isn’t broke.”

In Iowa, EMCs continued to work with HLSEM in improving response capacity in an all-hazards approach to planning, preparing, responding, recovering, and mitigating disasters. Progress was made in establishing quality plans and training and exercising appropriate emergency management staff and first responders. Iowa had even undertaken a test project on anti-terrorist efforts.

With the events of September 11, 2001, came an immediate shift in priorities for emergency management and a new focus on “homeland security” with its greater emphasis on the law enforcement elements of emergency management. Integration of public health into the realm of emergency management was also necessary. Detection and protection suddenly were part of county exercise, training, and program initiatives. As the nation worked to establish systems incorporating the tenets of homeland security and emergency management, county EMAs were also required to adjust their scope and focus to comply with new federal priorities.

The influx of newly-refocused and reallocated federal funding for anti-terrorist initiatives that came to all states as a result of the September 11 events was welcome and well-known. Iowa received a share of those funds, and local EMAs and other first preventer/responders were able to acquire a variety of equipment with the first-year funds. In subsequent years, the federal funding was repeatedly reduced by considerable amounts as federal priorities first shifted to anti-terrorism initiatives in large urban areas and more recently to protection of critical infrastructure. Current US Department of Homeland Security grant funds are to be used for preparation for disasters of catastrophic proportions.

There are several results of these new and declining federal financial resources:

- Local jurisdictions and agencies have increased formal and informal cooperation to stretch available resources.
- Regions were established to jointly identify priorities for program initiatives and decisions on use of the available homeland security grant funding. Regional projects and decision-making met with initial resistance from some EMAs, EMCs, and other affected disciplines that were accustomed to independently determining how funds would be allocated. Some emergency

management stakeholders have come to recognize the value of this regional approach in subsequent years, and others remain resistant.

- The system of local emergency management expanded to encompass more disciplines, such as, but not limited to, county public health agencies.

The constant remaining over the past 15 years is the increased responsibility of local emergency management to protect residents from impacts of natural or man-made disasters. The profession continues to reach out to other public and private organizations to engage them in the necessary planning, exercise, training, and resource management required to appropriately respond to any incident.

It is within the context of a broader view of local emergency management that this study was undertaken.

Scope of Responsibility of a County Emergency Management Coordinator

The job of Emergency Management Coordinator in an Iowa county may be as varied as the individual county. Some fulfill a management role in a larger EMA with additional staff. Many are employed part-time as an EMC, with additional hours worked in another county or in other positions. Others work full-time as an EMC, but serve up to four counties.

Iowa Code (Chapter 29C.9 and 29C.10) and Iowa Administrative Code (605 Chapter 7) require the Emergency Management Commission to hire an EMC, giving the EMC the authority to conduct and implement all requirements of the Emergency Management Commission. The scope of work is listed generally in Code and in more detail in the Administrative Rules.

Day-to-day work of the EMC is varied and unpredictable. While EMAs develop their local program priorities, in practice the EMC spends virtually all of her/his time in activities to ensure compliance with federal and state requirements. County EMCs have provided an overview of the scope of work for an EMC, which is summarized in this report.

An EMC spends a lot of time in meetings to establish and maintain relationships necessary to adequately coordinate planning, exercise, training, program implementation, resource management, and the variety of other needs of coordination. In addition to meetings and training with other EMCs, Homeland Security Grant Program (HSGP) Region, IEMA District, HLSEM, and other state agencies, Coordinators need to attend local meetings on a regular basis. Such organizations may include, but are not limited to, EMA Commission, city council, county board of supervisors, county boards of health, fire departments, EMS services, 911 board, county department head meetings, Red Cross and other nonprofit organizations, Geographic Information Systems (GIS), information technology, and others related to current initiatives.

The many federal and state requirements contribute to a growing set of tasks and responsibilities that fall to the EMA, and consequently to the EMC. Most have come about since September 11. Any

plan that has to do with terrorism, bio-terrorism, National Incident Management System (NIMS), National Response Plan (NRP), and nearly all grants falls into this category. Prior to September 11, there were neither Homeland Security grants nor all the requirements that go with them. Most all these requirements are ongoing and will need to be updated annually.

Emergency Management Agency Requirements to Comply with New Federal Requirements

1. Integrate National Incident Management System (NIMS) into all county and city plans as required by HSPD-5 by October 2006.
2. Train all government officials and employees in the county on NIMS & Incident Command System (ICS).
3. Resource type ALL equipment for all jurisdictions in the county.
4. All jurisdictions must certify that ICS and NIMS are used on all responses in their jurisdiction by October 1, 2006.

Failure to complete and submit the above requirements means that the non-compliant jurisdiction will not be eligible for federal funds after October 1, 2006, or until compliancy is accomplished.

Emergency Management Agency Minimum Recurring Requirements

1. County Multi-Hazard Plans/update 4 annexes. Annually *
2. 1 County Terrorism Plan/update. Annually * or as needed
3. 1 County Mitigation Strategy/update. Annually * or as needed
4. 1 County Recovery Plan/update. Annually * or as needed
5. Complete Emergency Management Performance Grant (EMPG) grant package. Annually
6. Haz-Mat Plan (Annex P). Annually *
7. Attend 24 hours continuing education for re-certifications. Annually *
8. Conduct at least two tabletop or one functional or full scale exercise for each ODP grant. Annually. * All exercises must meet Homeland Security Exercise and Evaluation Program (HSEEP) and NIMS requirements.
9. Participate in regional exercises *
10. Complete all quarterly reports for EMPG. Annually *
11. Complete all quarterly report requirements for FY 04 & 05 Homeland Security Grant Program (HSGP) grants and FY 06 Office of Grants and Training (OGT) grant annually for life of grants. Usually every 2 years
12. Review City Plans/ update. Annually
13. Review Tier II Facility Plans. Annually
14. Conduct NIMS & ICS classes; New and update classes*
15. Complete FY 06 OGT grant requirements

Other Critical Needs in Each County

1. Continuity of Government Plan. Annually *
2. Continuity of Operations Plan. Annually *
3. County Debris Management Plan. Annually

4. County Resource Management Plan. This plan will include the resource typing requirement for NIMS. Annually *
5. County Donations Management Plan. Annually
6. County Bio-terrorism Response Plan. Annually
7. County Agroterrorism Plan. Annually
8. Interoperable Communication Plan. Annually
9. Conduct a county-wide hazard-risk analysis.
10. County Fair Emergency Plan. NIMS requirement. Annually *
11. Mass Decontamination Plan. Annually
12. Airport/aircraft Emergency Response Plan. Annually
13. Form a working Local Emergency Planning Committee (LEPC).
14. Perform County-wide capabilities assessment using the Target Capabilities List contained in the Universal Task List. Required for FY 06 OGT grant.
15. Mass Casualty Response Plan. Annually
16. Implementation of recommendations from capabilities assessment. Annually
17. County Public Health Plan
18. County Veterinary/Animal Health Plan
19. Critical Asset Protection Plan
20. Strategic Plan
21. Five-Year Exercise Plan
22. Employee Action Plan
23. Iowa Mutual Aid Compact (IMAC) - Promote IMAC with cities not yet signed
24. Mitigation - Promote mitigation planning with cities
25. Recovery - Promote recovery planning with cities
26. GIS - Critical facilities layer / critical asset layer
27. Collaborate with stakeholders to build local capacity and provide for strategic capital replacement of critical public facilities and equipment required for emergency preparedness

** Items are required annually to be a compliant county. Non-compliant counties are NOT eligible for State funds (10%) in a Presidential-declared disaster, ODP/ Homeland Security Grant Program funds. NIMS will become a State compliancy requirement by October 1, 2006. NIMS and NRP will need to be integrated into all plans by October 1, 2006.*

A number of EMCs also are assigned communications responsibilities such as 911 and Enhanced 911. For those whose scope of work includes these issues, the list also includes:

- 911 - Communications Center
- 911 - Meetings
- 911 - Mutual Aid
- 911 - Annexations
- 911 - Radio Issues
- 911 - GIS Mapping - Street Range
- 911 - Install new resident markers

- 911 - Update Master Street Address Guide with Telephone / Intrado / Comm. Center / GIS
- 911 - Plot via GIS and assign new addresses to new residence
- 911 - Corrections to not found addresses
- 911 - Wireless 911
- 911 - VoIP 911

A cursory review of the scope of responsibility of an Emergency Management Coordinator represents a daunting challenge for those individuals and the Commissions charged with completing these activities. Noting that many additional requirements came about as a result of the homeland security and terrorism focus after September 11, 2001, it is understandable that some of the issues and concerns that have nagged at local emergency management have become more pervasive and significant in the last few years.

Issues and Concerns for Local Emergency Management

The Advisory Committee recognized that the Iowa system of local emergency management needs improvement to best support the mission of local emergency management. In light of the evolution of emergency management, the many changes in expectations, the current demands facing EMAs, and the anticipated increased roles in the future, six broad issues emerged as the heart of concern and frustration with the local emergency management system. The Advisory Committee also suggests that, given appropriate and careful attention, these issues could be transformed into opportunities for strengthening local capacity to protect citizens' safety, health, property, and economic vitality.

- Funding for local emergency management
- Governance of the Emergency Management Agency
- Authority of the governing entity
- Staffing and personnel challenges
- Inter-discipline engagement and implementation
- Image and understanding of local emergency management

These six broad issues emerged as the heart of concern and frustration with the local emergency management system. The study does not address issues which may or may not have emerged as the heart of concern and frustration with the state level emergency management system, because the scope of this work did not include the state system. One might consider whether all of the issues concerning the local system can be resolved in total without addressing related systemic issues at the state level.

Funding for Local Emergency Management – Adequate funding of local emergency management operations and program initiatives is an overarching issue. Local funds are limited, and budgets are not under immediate control of the Emergency Management Commissions. There are no State funds appropriated or allocated for EMAs in Iowa. Virtually all work undertaken by the EMA is in response to a state or federal mandate. Additional requirements are handed down regularly, without resources provided to complete them. Since September 11, 2001, many new requirements

have been placed on local jurisdictions, and funding has not kept pace in an area that was already under-funded.

Funding for local efforts will need to be increased to allow the EMA to operate in compliance with Iowa law and to implement any local programs the Commission approves. Federal funds are decreasing at a rapid pace and are designated for specific types of initiatives that may or may not fit with a county's needs and priorities. While federal funds continue to decrease, the number and scope of federal mandates are increasing rapidly. State funds for local emergency management are nonexistent. Since the state often fulfills funding needs in other disciplines (such as public health or human services) to ensure a minimum level of capacity is achieved and sustained, it seems reasonable that state funding for a need as critical as emergency management may be warranted.

Local jurisdictions have a responsibility to fund local emergency management, and the Advisory Committee agrees local responsibility is significant. The current policy does not fully support this premise, however, because the Iowa Code allows the local governments (counties and municipalities) to fund the EMA budget only to the level they choose. First, the law states that local jurisdictions within the county "MAY" fund the local emergency management budget. In other words, the Commission approves an annual budget for the Agency, but cities and the county are not required to fund the full amount of the budget – the Emergency Management Commission does NOT have control of its own budget. Second, the Commission does not have taxing authority that would provide control of generating revenue to fund its approved budget and of bringing emergency management services to the capacity necessary and/or required.

State funding for local emergency management operations and initiatives are best viewed as an investment in the safety, security, and health of Iowans, their property, and the economy. The return on that investment is seen in the reduced damage and effective response and recovery provided through a quality and comprehensive local emergency management program. The time has come when increasing state mandates dictate state financial support for these critical services.

Governance of the Emergency Management Agency – The Emergency Management Commission is the governing entity for the EMA. It is comprised of the elected policy officials in the county who have funding authority. A member of the board of supervisors, the sheriff, and the mayor of each municipality or designee serve on the Commission. There are longstanding concerns about the composition and functioning of the Commission.

In some counties, if not many, active participation by the all members of the Commission is unusual. Typically, the supervisor and sheriff are actively involved, but many mayors do not attend or pay attention to the work of the Commission. Reasons vary from mayors being overburdened with meetings to a belief that the county Board of Supervisors will dominate in the decisions and funding, so municipal involvement is a waste of time.

A second governance issue is the impact of mayors designating others to serve in their place on the Commission. Mayors are identified in the Code as Commission members because of the authority and policy position the office brings. If a mayor designates a fire chief or law enforcement official, the policy and authority of the role is diminished or eliminated. An additional impact of this practice is that Commissions have been known to become centers of competition among fire departments for funding of their interests when designees are dominated by fire officials.

Authority of the Governing Entity – The Emergency Management Commission has authority to conduct the business of the EMA, set Agency policy, hire and fire the Emergency Management Coordinator, establish the program of the Agency, determine which method(s) will be used to fund the EMA budget, and to approve an Agency budget.

The Commission does NOT have the authority, however, to generate the revenue for its own budget. Because the Commission lacks taxing authority, the Agency and its programs are subject to the priorities of the county and municipalities. These entities, as noted above, are not required to fund the full amount of the budget approved by the Commission.

Depending on the funding option or options selected by the Commission, there may or may not be active engagement by mayors. If the funding comes entirely or primarily from county funds, mayors are less involved in the work of the Commission and are more likely to designate another municipal staff person to sit in their place. One might conclude that, while it is not “all about money,” having financial stakes at play improves the likelihood that elected officials will participate in the work of the Commission.

Largely because of the lack of funding authority and the perception that local emergency management is a part of county government, there is considerable confusion among city and even county officials and agencies regarding how local emergency management fits into the local government scheme. Few outside of local emergency management know that the EMA is established as an independent municipality, but without taxing authority.

Staffing and Personnel Challenges – The impacts of governance and authority carry over to create concerns and difficulties in staffing and personnel structures. Just as governance, authority, and funding issues are closely connected, the staffing issues are integrated with these issues as well.

The Commission employs the EMC and any other staff. However, since the EMC does not have the authority to fund its agency, personnel benefits, payroll services, and related items are not conducted directly by the Commission. In most instances, the Commission contracts with the county, through a memorandum of agreement, for the administration of the human resources work. Payroll flows through the EMA fund located in the county treasurer’s office and is handled by the county auditor, with payments approved by the Board of Supervisors.

This arrangement adds to the confusion about the EMA's independent status. The EMC position is also unclear to many. The Commission sets salary and benefits for the EMC. If there is an agreement with the county for administration of human resources and payroll services, most likely the Commission has also adopted a benefits package identical to that of the county. Health insurance, vacation (if available at all), holidays, and other benefits are provided according to the terms of the county's policies, but they are EMC benefits. Many EMCs do not have benefits included with their position. This typically is true of the part-time coordinators.

The study found that, in some counties, EMCs believed they were county employees, illustrating the level of confusion and complexity of these arrangements. The heart of the issue is, however, that the Commission does not have direct control over employee benefits and policies. An additional consideration that has been addressed in past years, but may be reemerging, is responsibility for vehicle insurance and whether it can be included on the county's vehicle insurance policy. There are differing opinions on this issue.

A final issue related to personnel is that of inconsistency in staffing levels and local emergency management program capacity across the state. Counties of similar size may have significantly different staff committed to emergency management. Currently, four EMCs divide their time between two, three, or in one case four counties. A review of the necessary scope of work for an EMC shows that it is difficult to expect consistency in capacity in counties across Iowa. This issue becomes more important as greater emphasis is placed on local compliancy with federal and state mandates and as eligibility for federal funding becomes dependent on achieving target capacities.

Inter-discipline Engagement and Implementation – Successful stakeholder involvement at all levels of local emergency management is one of its most significant successes, though more work remains ahead. No longer can jurisdictions afford to see emergency management, fire service, law enforcement, public health, public works, EMS, and others acting independently to plan, exercise, and train. Certainly, all stakeholder disciplines must be working closely together in response and recovery when an incident occurs. Iowa has made major strides in this area.

Some disciplines and some jurisdictions initially struggled to discover how they fit at the larger table of local emergency management. Requirements for regional cooperation and regional response for special services (such as hazardous materials or explosive ordnance disposal) has shown it is possible and even desirable to work more closely together.

Shortly after guidance requiring the HSGP funds be applied to regional initiatives at the local level, a good bit of frustration and displeasure was evident. Emergency Management Agencies, law enforcement, fire service, and other disciplines were skeptical about the process and felt somewhat concerned about placing so much power in the hands of Emergency Management Coordinators. Some of those feelings persist, but the bigger picture shows considerable progress in bridging across

disciplines to ensure key priorities are met. In recent months, some have even admitted that by identifying partners that make the most sense, a multi-jurisdictional approach is a strong advantage.

Image and Understanding of Local Emergency Management – Few local government entities are as poorly understood and undervalued as emergency management. For years, emergency management has been invisible. Just as it is hard to quantify the worth of crime prevention, it is difficult to identify the value of investment in emergency management.

The public remains almost oblivious to local emergency management. If asked about the role and responsibility of the local EMC, few citizens would provide a correct response without guessing, and most have likely not given it much thought at all. This becomes important if local emergency management is to achieve the capacity determined necessary to safeguard citizens and communities from threats.

Other stakeholders in the local emergency management system sometimes misunderstand the role and responsibilities of the EMA and the Coordinator. Perceptions may range from believing the EMC is the incident commander to not recognizing that the comprehensive planning efforts are led by the Coordinator.

Elected officials may not fully understand the important support function the EMA will provide to their office. In the event of an incident, the EMC is the chief of staff, and remains in the background ensuring a smooth implementation of response and recovery efforts. Aptly named, the Emergency Management Coordinator truly coordinates availability and movement of supplies, equipment, personnel, communication, and other requests of the policy authority or the incident commander.

When no incident is underway, elected officials are encouraged to recognize all the work that continues to ensure relationships are in place, contracts are signed, plans are current, exercises identify gaps in response capacity, training is conducted, and the jurisdiction is ready to effectively respond to any type of incident.

County Emergency Management Coordinators and the Iowa Emergency Management Association are committed to improvements in the local emergency management profession across Iowa. While some counties operate with a reduced capacity and budget, others are beginning to reap the benefits of a strong emergency management leadership. Enhanced training and educational opportunities continue to bring best practices to Iowa's communities. Creative and dedicated local professionals are seeking cost-effective enhancements to their Agencies' capacities. Nonetheless, their work remains largely invisible to most citizens, making it more difficult to garner public support for these critical priorities.

In addressing each of these issues, the Advisory Committee, with advice and support of the IEMA Executive Board, carefully examined and discussed their integrated nature and how public policy change might improve the system. While each issue was also discussed independently of the others, solutions were seldom single solutions. The interdependent nature and impacts of the issues ultimately led the Advisory Committee to develop a set of interdependent solutions.

The Study of the Structure of Emergency Management- Summary of the Outreach

State Public Policy Group provided assistance to the Advisory Committee in an outreach process through which appropriate recommendations could be made for the enhancement of the structure of local emergency management. State Public Policy Group, on behalf of the Advisory Committee, engaged stakeholders and members of local Iowa communities in two stages of outreach. The first stage examined issues identified by the Advisory Committee as significant themes upon which recommendations for changes to the structure of local emergency management would be based. The second stage concentrated on gathering stakeholder responses to a list of preliminary recommendations drafted by the Advisory Committee, in conjunction with the Iowa Emergency Management Association Executive Board.

Outreach Stage One: Exploring the Issues

This stage of outreach provided qualitative research data that included real experiences and first-hand comments of primary stakeholders in local emergency management. Three categories of stakeholders were invited to participate in distinct and separate sessions: County Emergency Management Coordinators, emergency management Commissioners, and first preventer/responders. Six sessions were conducted with Emergency Management Coordinators (EMCs) and scheduled to coincide with regular district meetings when possible. Twelve sessions were held with emergency management Commissioners (Commissions) in locations across the state. Twelve sessions with first preventers/responders (Responders) were held in the same communities as the meetings with Commissions. For more information on how meetings were structured, please see the methodology section of this report.

The Advisory Committee, with the assistance of the IEMA Executive Board, identified thirteen issues directly related to local emergency management and how it is structured. Some of the thirteen issues overlapped and were categorized into groups. Focus group questions were developed to explore these initial issues. Following is a summary of focus group responses to major issues, beginning with quotes from participants in the focus groups.

1. Status of Local Emergency Management

"We're still trying to figure it out, but he does a lot of coordination and training, and he makes sure we have proper equipment and does the weather responses in the area."

The Advisory Committee saw that the definition and scope of local emergency management is not widely understood outside the local Emergency Management Agency. Even among policymakers and response agencies, emergency management is not often recognized as an independent and critical discipline within local government.

Commissioners' responses demonstrated a generally common superficial level of understanding of the role of local emergency management. Comments tended to focus on the job responsibilities of the Emergency Management Coordinator, typically overlooking other disciplines serving in the

emergency management system. Many of the responses were limited to how the job duties of their local emergency manager had changed recently, especially an increase in paperwork. Commissioners felt that local emergency management would become increasingly focused on planning and training in the future with an increased focus on regionalization, but believed very little of a local Emergency Management Coordinator's role would change.

Responders also emphasized the role of the Coordinator as "defining" emergency management in their communities. The most common theme expressed by responders was the importance of the resource coordination role of EMCs and the need for their leadership in an emergency situation. Responders felt that the future would provide for many changes in local emergency management, requiring more planning and completion of paperwork and less time for coordinators to work in the community.

Emergency Management Coordinators described their extensive duties in communities as well as their statutory responsibilities. They predicted that the future of local emergency management would require more paperwork, but that the functionality of the duties would not change significantly. Coordinators also predicted that emergency management would be approached from a regional perspective in the future, though a regional approach would not necessarily have a positive impact on local emergency management.

2. Inter-Discipline Involvement

"Technology will impact this. It will be the central point of coordination. The Emergency Management Coordinator will have a larger responsibility to deal with advances in technology."

The Advisory Committee identified needs for improved communication between agencies that respond to emergencies, especially in the area of intelligence. The Advisory Committee also noted a lack of active and ongoing engagement during periods of no disasters by all of the disciplines responsible for responding to incidents. Finally, the Advisory Committee felt that emergency management at the local level has some lag in its technology capacity.

All three groups focused some discussion on the technologies portion of the inter-discipline involvement issue. However, their concerns about technology did not focus as much on current technology gaps as it did on the anticipated need for enhanced technology in the future. All three groups indicated that they did not see a lack of inter-discipline communication during non-disaster periods initially identified by the Advisory Committee. The groups did not spend a significant amount of time discussing cross-discipline communication, citing this as a function of the Emergency Management Coordinator's job description, and not an issue of concern.

3. Funding

"I would change that *may* to *shall* in the legislation."

The Advisory Committee pinpointed a lack of mandated funding sources for local emergency management as a serious issue plaguing the current structure of local emergency management. In the interests of preserving local control, perhaps too flexible a funding structure has enabled some local governments and the Iowa General Assembly in not taking appropriate responsibility for funding local emergency management. The lack of a clearly defined funding structure has meant that Commissions and their agencies have had to be on constant lookout for further funding opportunities. One focus group question asked respondents to identify ideas about how to fund emergency management from the local level, eliminating the option of additional state and federal funding as an answer.

Commissioners overwhelmingly agreed that taxing authority would improve local emergency management, and discussed many options for taxation at the local level. They expressed frustration in not having authority over funding, given the Commission's role in local government as a separate government entity.

Responders also suggested, though not as frequently, making Commissions taxing authorities. Responders were more likely to compare local emergency management to their own disciplines, where many have their own funding issues and constraints. Responders also tended to suggest the most options for how to solve local emergency management funding issue including a fee-for-use system.

Emergency Management Coordinators individually have very definite opinions on funding, and were not unanimous in their positions. Many advocated Giving Emergency Management Commissions taxing authority; others were opposed to being perceived as responsible for increasing taxes in order to fund their agencies. Many felt that it was their job to educate their county supervisors on the importance of funding local emergency management out of county budgets. Coordinators also had the strongest opinions regarding the need for the General Assembly to take responsibility for funding local emergency management.

4. Governance and Authority

"Our Commission/Coordinator structure needs some work, but it's better than most I've seen."

The Advisory Committee identified a lack of active and ongoing engagement by some local Emergency Management Commission representatives. The Advisory Committee also noted that County Boards of Supervisors sometimes exceed their statutory authority over the local emergency management budget, which can undermine Commission and Coordinator control over budget and expenditures.

Although Commissioners, responders and Coordinators all agreed that the current system does not always work as it was designed, there is little interest in changing the structure of governance. Commission members recognized the difficulty in reaching attendance levels to conduct business. Those not attending meetings with regularity tend to be mayors. Commissioners were somewhat open to expanding the makeup of the Commission to engage key parties in their communities, and brainstormed different groups that should be engaged in the Commission. The vast majority of Commissioners viewed the flexibility of the Commission structure as an advantage.

Responders were much less informed about the procedures of the Commissions and the makeup of its members. Most responders said they knew little about the Commission's statutory responsibilities or how their local Commission operated, unless they themselves served as designees. Several members of the responder group felt strongly that their disciplines should be represented in the emergency management governance structure.

Coordinators shared that a low number of Commissions statewide are made up of the actual individuals designated to serve by law. Some expressed that the political makeup of their Commissions, as elected officials, had the potential to seriously impact the way that their programs operate. At the same time, most did not support changing the structure of their Commissions, due mainly to a belief that elected officials are those who have the power to spend local funds and are the most appropriate to serve on the Commission.

5. Local Staffing Issues

"It seems that most counties should have a full-time Coordinator. I can't do justice to anything as a part-time employee. And I have no benefits."

The Advisory Committee identified issues with Iowa law not providing benefits coverage (e.g., IPERS, workers compensation, liability) for local emergency management employees. Overwhelmingly, all groups agreed that local emergency management staff should be provided with benefits, though Commissioners were uncomfortable with a mandate to locals. The groups were divided on the issue of requiring a full-time equivalent staff person in each county to provide emergency management services. Commission members expressed their concerns in balancing the needs for quality emergency management programming with local fiscal responsibilities. The majority of Commissioners agreed that it was important to have a full-time coordinator in every county, though they also oppose the idea of mandating full-time positions, citing serious financial concerns and the Commission's authority over the local Emergency Management Agency.

Responders were very surprised and sometimes outraged to find out that benefits coverage is not mandated for local emergency management staff. However, they were also skeptical of an expectation for a full-time coordinator and for benefits coverage. Reasons cited included concerns that counties are too diverse to mandate a standard for all of them and that mandating benefits and staffing levels would undermine the authority of the Commissions. Responders varied in their responses about how staffing and benefits issues could be rectified. Suggestions included making

local emergency management a state or county position, or maintaining the status quo while putting additional pressure on local government for solutions.

A majority of the Emergency Management Coordinators supported requiring a full time equivalent staff position as an Emergency Management Coordinator. Most Coordinators affirmed that full-time hours are needed to fulfill the responsibilities of an Emergency Management Coordinator. They also believed that there should be better access to benefits for current full time staff. Emergency Management Coordinators who disagreed with the full time staff requirement and benefits package expressed fears that county benefits would mean an increase of county control over their day-to-day work responsibilities.

6. Additional Duties As Assigned

"I see a lot of emergency management coordinators with responsibilities given them that have nothing to do with their assigned job. This happens because it is assumed that because there is not an emergency going on, they must have the time."

During initial Advisory Committee and IEMA Executive Board meetings, much discussion was spent on the issue of local emergency management staff being assigned additional duties apart from emergency management or a "shared" position (e.g., half-time coordinator and half-time 911 coordinator). Feedback heard in the focus groups on such split duties contained mixed reactions.

Most Commissioners disagreed with the idea that local emergency management staff spends time working on tasks unrelated to emergency management. Many expressed sentiments that environmental health and 911 responsibilities are linked closely with emergency management and are suitable responsibilities for local emergency management staff. Commissioners expressed that it is their own responsibility to make sure that all duties assigned to their local emergency management office are appropriate.

Many responders did acknowledge that local Coordinators take on responsibilities that seemed somewhat unrelated to emergency management. The responders who did not see this happening in their communities agreed that they had heard of it happening in nearby areas. However, the responders acknowledged that all county entities and staff carry a burden to complete "other duties that may arise" and felt that this was a normal function of a county-level position.

County Emergency Management Coordinators had clear opinions on whether county emergency management was, by default, the recipient of responsibilities not fitting in other county agencies. The opinions were widely variant, with some Coordinators stating that although they do not have the problem in their county, they have heard that other EMCs do handle disparate roles.

7. Most Critical Issues

The Advisory Committee felt that they would benefit from knowing stakeholders' most critical issues with the current structure of local emergency management. SPPG facilitators asked every meeting

attendee to share what he or she would tell the Advisory Committee was the most important priority in structuring emergency management to be most effective in the future.

The answers overwhelmingly favored funding as the driving force of local emergency management. A large number of Commissioners, Emergency Management Coordinators and responders all cited funding as a major priority. Local control was very important to Commissioners and responders, but did not register as important to Emergency Management Coordinators. Taxing authority was a critical issue to Coordinators and a second priority to Commissioners, but did not register as important with responders. Coordinators also emphasized the need to educate policymakers and the public about what they do.

Outreach Stage Two: Feedback on Recommendations

The Advisory Committee, in cooperation with the IEMA Executive Board, developed a set of recommendations to address concerns about governance, authority, and funding of local emergency management agencies and their programs. Their recommendations were based largely on information gathered during the first phase of the outreach. After recommendations were drafted, feedback was sought from stakeholders and community members by gathering comments and ideas from these individuals about the potential benefits and feasibility of the preliminary recommendations.

Six focus groups and six community forums were conducted; each designed to achieve different goals. The focus groups sought to bring a small group of stakeholders from the active disciplines (one from each, per region) associated with emergency management to respond to questions about specific elements of the preliminary recommendations. Invitees included representatives of Emergency Management Coordinators, Boards of Supervisors, mayors, sheriffs, police, fire, public health, public works, emergency medical services and hazardous materials teams. Community forums were held in the same communities as focus groups, and all interested individuals were invited to attend, including members of the stakeholder groups who were not invited to attend the earlier focus group meeting. In addition, two sessions were offered via ICN, with two ICN sites available per IEMA district at each session. Additional information regarding methodology and design of the focus groups and community forums can be found in the methodology section of this report.

Funding

The Advisory Committee's preliminary recommendations regarding funding included:

- Changing Section 29C.17 of the Iowa Code to say, "...the county emergency management agency's approved budget SHALL be funded by one or any combination of the following options..."

"When the words are changed from MAY to SHALL this will be an important positive change. Many emergency management agencies are working on a shoestring budget. Proper funding and governance will increase the visibility and highlight the importance of this agency to the community."

This recommendation resonated decidedly with both focus group and community forum participants, as funding was the largest concern for stakeholders in the earlier outreach meetings. The clear majority of participants agreed with this recommendation. Only a few disagreed, citing reasons such as funding constraints and possible political implications.

- Including a taxing authority for the Commission among the funding options in Section 29C.17 and keeping the existing four funding options as they currently read in the code.

“I think that the responsibility should be at the local level and be funded at the local level. I would be in favor of the 5th option.”

Almost all participants agreed that taxing authority should be an option for funding local emergency management. Discussion about whether this needed to be created at the legislative level for all counties to allow for funding consistency, or through referendum at the county level to provide for additional local control dominated time granted to this topic. Many participants felt that this change should be instituted at the legislative level, fearing if left up to referendum, taxing authority would not be adopted in their area.

- Requiring a general state appropriation specifically for local Emergency Management Agency support on an annual basis.

“I don’t think that this idea should be dropped, but I don’t think it will happen.”

Many participants felt that a state appropriation was a nice idea, but unrealistic. Concerns with a state appropriation were identified regarding the risk of becoming dependent on a state appropriation, and being devastated if those funds did not arrive at some later date. Participants commented on the need for ongoing advocacy to maintain a state appropriation, requiring significant time and financial resources. Some participants, however, rejected the idea of a state appropriation altogether, citing concerns of additional compliance responsibilities mandated by state government. Questions were raised regarding how the proposed appropriation would be divided up among counties, such as what amount would be kept by the state for administration costs. Many also questioned whether to provide each county with a base appropriation for local emergency management planning and mitigation needs.

- Imposing a state-level per capita “emergency management tax” based on the number of exemptions claimed on Iowa income taxes. These funds would be returned to the counties for support of local emergency management agencies.

“A per capita component is fine, but we definitely need a base formula.”

This recommendation met with very mixed responses. Participants who objected to this idea expressed beliefs that the state legislature would not support a base appropriation. Comments from

participants about this recommendation included questions about how these funds would be distributed back to counties and what the amount of tax would be. Participants also saw a need for a review of the fairness of the basis for collection of this tax.

- Funding a portion of local emergency management with a surcharge on insurance policies. The surcharge would be designated for mitigation and preparedness for local Emergency Management Agencies.

“This would be a very anti-business approach.”

This recommendation also met with mixed reviews. A few participants looked very favorably toward an insurance surcharge; most did not believe it was viable enough to bring forth as a policy initiative, citing negative reactions from the insurance industry. Participants asked questions about how the surcharge procedures would work, how funds collected would be allocated, and how the funds would be used. Many participants suggested a review of other states’ models and programs regarding insurance surcharge.

Governance

The Advisory Committee’s preliminary suggestions regarding governance included:

- No change to the Iowa Code regarding the structure of the Emergency Management Commission. However, federal and state agencies should enforce existing Code and Rules to ensure compliance.

“I think there is a little confusion. I wasn’t really aware of how this Commission was set up so I had to dig out the Code, and I am a member of the Commission. Everyone assumes that the EMC is a county employee, and a lot of the smaller cities think that it is a Board of Supervisors problem.”

Most participants agreed that the proper Commission members are elected officials who have budgetary authority and can commit their jurisdiction financially, and that compliance with the Iowa Code is important. Participants discussed at length the common practice of designees sitting on the Commissions, usually in place of mayors, resulting in a lack of engagement of mayors in Commissions. The participants believed that making the Commission a taxing authority would mean that more mayors, supervisors and sheriffs would participate in the Commission process. Participants discussed at length ways to spark additional mayoral participation and the role of non-elected Commission members.

Authority

The Advisory Committee's preliminary recommendations regarding authority included:
Adding taxing authority for the Commission to the funding options outlined in Section 29C.17.

"I think it would definitely help the organization to let them know that they do have a way to fund the organization."

There was consensus among participants that the Commission should retain its current level of authority to establish agency policies and procedures. Many indicated that the Commission is the most appropriate entity to hold that level of authority, which would include such duties as hiring and firing the EMC, approving the agency budget, and developing local program components.

Natural Relationships

The Advisory Committee also considered a fourth policy option for effective planning and a proactive approach to potential legislative proposals.

- Acknowledging that many counties currently work collaboratively and seek to increase the scope and depth of those relationships in a logical development for providing services, the Iowa Legislature could provide incentives for county Emergency Management Agencies that form new or improve existing natural relationships to enhance emergency management systems.

"I agree wholeheartedly that local governments are doing what they can to create relationships. Defining the way you operate is important for policymakers to understand."

Participants appreciated this approach to working more effectively and efficiently when compared with creating artificial boundaries for state-mandated regions. Coordinators and other stakeholders shared that emergency management agencies have historically worked in a structure of natural relationships, but had not considered it an unusual collaboration style. Participants liked the concept of using natural relationships as a practical approach to incentives with the legislature and a reflection of real need. The groups discussed questions about how to effectively explain the concept, what may be offered to the legislature as proof that the concept works, possible incentives for natural relationship practices, and how to document use of the approach.

The feedback about the preliminary recommendations gathered in the second round of outreach facilitated the Advisory Committee's further consideration, deliberation, and completion of the final report and recommendations.

Recommendations

This set of recommendations represents the holistic view of local emergency management structure balanced with the judgment of the Advisory Committee regarding feasible approaches to change. The Advisory Committee considers these recommendations as a unit, and by implementing them in an integrated manner, a real change in local emergency management systems will be enabled.

Following each recommendation, a rationale is provided that demonstrates how the recommendation addresses issues and concerns discovered during the study. An impact statement indicates how implementing the recommendation is integrated with other recommendations and would improve the structure and capacity of local emergency management.

Recommendations fall into three types:

- Policy recommendations
- Recommendations to state agencies
- Advocacy recommendations

Policy Recommendations

1. **Funding** – Change Iowa Code in the following ways:

- a. Change Section 29C.17 so “...the county emergency management agency’s approved budget SHALL be funded by one or any combination of the following options...” This recommendation should be pursued and accompanied by the recommendation and implementation of state appropriations to support a base program in each county (see item d. below).

Problem: Section 29C.17 currently states that “...the county emergency management agency’s approved budget MAY be funded by one or any combination of the following options...” The ambiguity of the Code is problematic in that it makes it possible in some counties for no governmental entity to be ultimately responsible for funding emergency management. In fact, an early concern voiced by a few Emergency Management Coordinators was that, if the study were to openly discuss the vagueness of funding, local policymakers would discover the “loophole” and opt to discontinue current funding.

Impact of the Recommendation: This recommendation makes it possible for the Emergency Management Commission to establish its budget and know that the budget will be funded as proposed from one of the options contained in Iowa Code 29C.17. Without adequate operational and program funding, counties will be unable to increase capacity in priority areas or comply with certain federal and state mandates. An additional and very important impact is that ensuring the budget is funded will be a motivation for inactive Commission members to become more involved in budget and program spending for the jurisdiction. Viewed as a whole, ensuring funding through a taxing authority and/or changing the “may” to “shall” brings emergency management on stage as a real part of local government services.

- b. Keep the existing four funding options as they currently read in the Code. Add taxing authority for the Commission to the funding options in Section 29C.17.

Problem: Although each County Emergency Management Commission is a legal municipality, the Commissions are the only municipalities who cannot sustain themselves with taxing authority. Therefore, the Commissions' budgeting authority can be compromised by its sole dependence on other funding bodies.

Impact of the Recommendation: This recommendation makes it possible for Commissions to establish and manage their own local revenue stream. In addition to providing a sustainable source of funding for maintaining and strengthening emergency management, it serves to spread the costs throughout the county and towns. At the same time, adding taxing authority through local action as one of five options maintains local control. With taxing authority comes decision-making power. The inactive Commission members will become interested in participating in the newly-empowered EMA, strengthening its role in the jurisdiction. Making the Commission a taxing authority also lends credibility and status to local emergency management, addressing problems of image and knowledge about local emergency management. The concept of a commission structure as a taxing authority follows existing precedent in Iowa local government, e.g., the structure of assessors. Again, viewed as a whole, ensuring funding through a taxing authority and/or changing the "may" to "shall" brings emergency management on stage as a real part of local government services.

- c. Add another option to the list of funding options provided in Section 29C.17: Voluntary and/or share allocation for private and tax-exempt enterprises.

Problem: The value of emergency management planning and services is sometimes underestimated and often completely unknown to the general public. Private and tax-exempt enterprises clearly benefit from emergency management without making an investment in the safety and protection they receive.

Impact of the Recommendation: A voluntary and/or share allocation might be a funding option to consider for these private and tax-exempt enterprises to more equitably help cover the costs of emergency management services and programs. Many cities have lamented the drain on budgets from providing city services to tax-exempt organizations that are not required to support police and fire service through taxes. The same situation applies to local emergency management. Private enterprises, such as business and industry, may pose significantly higher risks than average and claim a higher level of attention from emergency management.

- d. Require a general state appropriation specifically for each local Emergency Management Agency support on an annual basis.
- Baseline support for each county program should be sought from state funding sources.
 - The goal is to ensure an equitable amount of base funding and consistency in every county.
 - Determine base funding for each county based on a formula that considers a minimum level of funding plus a per-capita amount. A recommended \$2 per person allocated to each county by population is suggested, with a per-county minimum of \$25,000.
 - Future state appropriation support for a county would be contingent on the county's compliancy with state and federal requirements within a specified number of months.
 - There is no expectation that state funding be provided to cover all local program costs.

Problem: Federal and state mandates on local emergency management have increased exponentially in the last several years. Response to a major disaster takes significant coordination of state and local efforts; heretofore, local jurisdictions have borne the majority of the expense of emergency management programming in Iowa. Further, smaller counties face difficulty in funding emergency management at even a basic level; a state supplement would help to assure a baseline of compliance consistently across the state and assist local government to comply with unfunded mandates in Iowa Code and Administrative Rules. The purpose of a state appropriation is also to expand, enhance, and strengthen local programs currently in place and active. State funding is not intended to supplant these efforts, rather to assist EMAs in meeting state and federal mandates.

Impact of the Recommendation: State funds would supplement local funds by ensuring each county received an equitable level of state monies to implement state and federal mandates. Because of the increased emphasis on statewide capacity for response by local jurisdictions and of regional collaboration, state funds are critical to allowing compliancy by each county, thereby preserving their eligibility for federal funds. An additional impact may be an increase in consistency of programs from county to county and a rise in the number of counties employing a full-time EMC.

- e. Fund a portion of local emergency management with a surcharge on residential and commercial building insurance policies.

Problem: Budget shortfalls at every level make it difficult for cities and counties to fully fund emergency management. Florida has successfully leveraged emergency management funds by adding a surcharge to insurance policies as part of risk mitigation.

Impact of the Recommendation: With this surcharge approach, insurance companies would remit the funds to the state for distribution to counties for use in mitigation programs. In essence, the insurance companies will cooperate in an effort to channel a small dollar amount to a pool of funds spent in counties by counties. The mitigation efforts will ultimately

reduce the damage from disasters and complete the circle by reducing the insurance companies' payouts to policyholders for damage.

2. Governance

- a. No change is recommended to Iowa Code regarding the structure of the Emergency Management Commission.

Problem: Attendees at various outreach meetings during the study were in agreement that the structure of the Commission was satisfactory because each member of the Commission is statutorily able to approve the spending of funds. The notion of adding first responders or other stakeholders to the Commission was not taken up for this reason. The real problem is not the make-up of the Commission; rather it is the low participation level of certain members, which is a behavior issue.

Impact of the Recommendation: This recommendation for no change to Commission structure maintains policy control of the EMA at the level most appropriate. Other recommendations in this set address the behavior issue through making the Commission important enough and providing authority to be perceived as important and needing policymakers' active participation.

3. Authority

- a. Add taxing authority for the Commission to the funding options outlined in Section 29C.17. Taxing authority will be one of the options available to Emergency Management Commissions for funding local Emergency Management Agencies, described in 1b above.

Problem: Again, although each county Emergency Management Commission is a legal municipality, the Commissions are the only municipalities who cannot sustain themselves with taxing authority. Therefore, the Commissions' budgeting authority can be compromised by its sole dependence on other funding bodies. At the same time, adding taxing authority as one of five options maintains local control. No change is recommended to the authority of the Commission to employ the EMC, establish the emergency management program, develop a budget, and determine the method by which the budget "may" be funded.

Impact of the Recommendation: The recommendation to add taxing authority is seen as the simplest way, once it is approved, to fund local emergency management at an appropriate level for the county. Many jurisdictions look to taxing authority as the answer to the constraints on their emergency management programs and capacity. Other jurisdictions are working well under their current funding structure. The Commissions' authority for other current functions is effective and should be maintained.

4. **Natural Relationships** – Natural relationships are recommended as a policy consideration intended as a proactive approach to potential legislative proposals focused on reducing or regionalizing local government.
- a. Emergency Management Agencies are independent of county or municipal government; they are municipalities without taxing authority, as established in Iowa Code. As such, they do not operate under the umbrella of county or municipal governments.
 - b. Collaborations and joint efforts will be undertaken by county Emergency Management Agencies based on the natural and practical need for jurisdictions to work together on an initiative. Partners may not always be the same EMAs or other jurisdictions and departments. Partners will not be mandated by state government; rather, they will be self-selected at the local level based on need.
 - c. The legislature may consider and/or provide incentives for local emergency management agencies (EMAs) to increase their traditional collaborative work initiatives and seek to increase the scope and depth of those existing relationships in a logical development of providing necessary services.
 - d. The Iowa Legislature may consider providing incentives for county Emergency Management Agencies that form new or improve existing natural relationships to enhance emergency management systems.
 - e. Because local emergency management is geographic-centric and hands-on in nature, initiatives undertaken by natural affinities do not eliminate the need for an Emergency Management Coordinator in each county to develop and maintain the many relationships and multi-discipline initiatives necessary to safeguard the citizens and comply with state and federal requirements.
 - f. The outcomes of such a policy initiative might be increased efficiency of local services, movement toward larger service areas for specific services or systems, and progress toward implementation of the National Preparedness Goal, which requires increased shared local response for specific response capacities.

Problem: The Iowa General Assembly has in recent years pushed local governments toward consolidation and regionalization of services. However, because of the hands-on nature of emergency management, which requires that coordinators be very familiar with emergency personnel, available resources for response, and the specific assets and risks of each community, regionalized emergency management programs are not feasible. Moreover, artificial delineations of regions for the purposes of planning do not always make sense. Instead, counties must be able to plan together according to common threats, populations, and other factors.

Impact of the Recommendation: This recommendation creates the expectation that local emergency management will continue to operate in a voluntary collaborative manner with other EMA and agencies, and it encourages additional efforts. The results will bring more efficiency to local emergency management while continuing to keep decision making at the local level and allowing the specialized and personal contacts necessary to ensure effective response to incidents of all types.

Recommendations for State Agencies

1. The Advisory Committee suggests the federal and state agencies enforce existing Iowa Code and Rules to ensure compliance by local jurisdictions. Iowa Code and federal grant guidance contain provisions for withholding funding from jurisdictions that are not in compliance with specific laws and regulations. In some instances, local jurisdictions have been allowed to “get by” some requirements based on the recognition that the federal funding was necessary in those jurisdictions in order to make improvements in local programs. Beginning in Federal FY 06, counties that are not compliant in a number of required areas will not be eligible to receive any Homeland Security Grant Program funds.

Problem: The existing laws and regulations have sometimes been overlooked to encourage certain jurisdictions to participate in programs available to them. However, without strict enforcement of these laws and rules, some jurisdictions will not make local investment in significant improvement of their programs. For example, in a Presidential declared disaster there is a division of the funds that a jurisdiction can receive to recover from that incident. The usual split is 75% federal money, 10% state money, and 15% picked up by the jurisdiction. If the jurisdiction is not a compliant county, it will lose the 10% from the state. That 10% then falls back on the local jurisdiction to pick up in addition to its 15% obligation. This could be a significant amount for a county to provide.

2. HLSEM should take the lead among state and federal agencies to focus attention on the statewide system to address multiple and duplicative requirements by state agencies such as HLSEM, Department of Public Health, Department of Transportation, Department of Natural Resources, Iowa Department Agriculture and Land Stewardship, Environmental Health Rapid Response Teams, and others. HLSEM should also lead efforts to address the impacts on local emergency management capacity to fulfill the requirements. Federal fiscal year 2006 Homeland Security Grant Program requirements stress the need for such efforts to reduce duplication among state and federal agencies as a condition of accessing additional funds.
- Establish clear policies and practices throughout state government to encourage and allow more decision making at the local level and independence for Emergency Management Commissions.
 - Establish a single state-level clearinghouse for multi-hazard preparedness policies and procedures, especially those policies and procedures for homeland security.

Problem: Since the September 11, 2001, terrorist attacks, homeland security and emergency management seems to have come under the purview of nearly every state agency and many local stakeholder groups. With funding and requirements coming from disparate federal agencies, states are forced to coordinate efforts in order to fulfill all requirements effectively and efficiently. Likewise, local stakeholder agencies must carefully choose training and other resources, from among many options, in order to fulfill sometimes shifting grant priorities as well as their practical needs.

3. State agencies should work closely with local emergency management to identify and provide necessary support to the local staff. State agencies should also work with local officials to better coordinate and integrate processes and plans. State response plans should be vetted through the local emergency management system, including first responders, to ensure state and local systems are consistent and feasible in practice.

Problem: Vetting of state plans with local responding agencies does not always occur at present, resulting in continued poor communication, false assumptions, and risk of inability to implement and/or respond effectively in an incident. An example of the need is illustrated in an Iowa Department of Agriculture and Land Stewardship (IDALS) response plan calling for local agencies to provide personal protective equipment (PPE) for first responders from other jurisdictions. This plan was finalized without input from first responders or understanding that PPE is not available in many jurisdictions.

Impact of the State Agency Recommendations: The system of emergency management spans local, state, and federal governments, and agencies from agriculture to behavioral health. The Advisory Committee recognizes it has no authority over state or federal agencies, but recommends several specific activities that, when implemented consistently, will enhance the entire emergency management system for the state. These recommendations will strengthen local capacity through better information and consistent guidance in programs across jurisdictions and agencies. Implementation of these recommendations will reduce miscommunication, clarify changing guidance, and align current inconsistent requirements from agency to agency that result in duplication of efforts and confusion.

Recommendations for Advocacy

1. Local emergency management must take the lead in the partnership with HLSEM in advocacy for proposed changes in the emergency management system.
2. Local emergency management will actively promote these recommendations to improve the local emergency management system with state and local policymakers.
3. Engage state agencies (HLSEM, in particular), state associations of first responders, Iowa State Association of Counties (ISAC), and the League of Cities in active support of policy proposals in the legislature.
4. Local emergency management, through the Iowa Emergency Management Association, should develop, manage, and maintain a public education effort coupled with a grassroots advocacy effort for policy change.

Problem: The work of emergency management is largely invisible to the general public and to lawmakers—until a disaster strikes. With much national attention still focused on the 2005 calamities in the Gulf Coast, a policy window may be opening for legislators to make changes to

state law regarding emergency management. It is crucial that legislators are aware of the extensive grassroots study, the recommendations of which are discussed here. Further, legislators and local policymakers must hear directly from their many constituents, including Emergency Management Coordinators they represent, that the recommendations of the Advisory Committee reflect their own recommendations on the structure of local emergency management.

Impact of the Recommendations: Educating the public and policymakers is the only way to achieve lasting improvements to the local emergency management structure. The responsibility for these education and advocacy efforts fall to the stakeholders, particularly to IEMA and the Commissioners. With the public and policymakers understanding the impact of emergency management in their lives and communities, policy recommendations can be achieved to safeguard the safety, health, and well-being of Iowa's residents, property, and economy.

The Challenge of Change

Hundreds of Iowans invested their time and effort into the study of the structure of local emergency management. In order to ensure their feedback is taken into full consideration, stakeholders in emergency management must assume a concentrated advocacy effort. Producing a report with policy recommendations is meaningless unless policymakers are made aware of and fully understand the issues. Additionally, it will take the sustained efforts of many individuals to ensure that policymakers are pushed on the issues and that individual efforts are coordinated with those of the Iowa Homeland Security and Emergency Management Division—at a minimum, likely over a two-year effort. EMCs across the state should be contacting their individual legislators to educate them about the report recommendations and encourage their support.

Sustained efforts will also be needed to promote the role of emergency management in Iowa and to educate citizens and public officials on the scope and value of emergency management. Recent events have drawn public attention to the need to be prepared and respond, but that will quickly fade as other issues take precedence. Coordinators should be meeting regularly with their Commissions and other stakeholders about the different components of the report that affect them.

Coordinators must also continue to lead local emergency management in aligning county efforts and initiatives to share resources and improve efficiencies of their limited operations/budgets and in leveraging the capacity of the Iowa Emergency Management Association in support of the issues.

The Future of Local Emergency Management

There is no crystal ball to show the future of emergency management and homeland security for Iowans dedicated to ensuring the safety, health, and well-being of the residents. While there is speculation about the direction government agencies at all levels are heading, there is general agreement that the road will take unexpected turns as events and political considerations continue to impact the priorities.

Certain views of the future were widely expressed during the outreach sessions and by the Advisory Committee members and the IEMA Executive Board. Overall, they strongly believe the essential mission of local emergency management will remain stable, and its importance will increase over time with further evolution of the profession of emergency management.

In the foreseeable future, emergency management systems – including EMCs and the first preventer/responder disciplines – will be required to continue adaptation to a policy environment that calls for doing more with less. Challenges coming from federal and state policy include, but are not limited to, the following:

- Expectations from Iowa legislators to find more efficient and cost-effective approaches to achieving necessary objectives and showing results.
- Requirements from federal policymakers to provide emergency response capacity in a shared approach, taking into consideration multi-jurisdictional regions and cross-discipline cooperation.
- Continued work on preparedness for terrorist events of all types, including agroterrorism, bioterrorism and cyberterrorism, but never losing sight of the all-hazards approach.
- Priority focus on a number of federal initiatives, such as:
 - NIMS compliance,
 - Implementation of the National Preparedness Goal,
 - Focus on the Eight National Priorities,
 - Improving capacity for mass evacuation,
 - Implementation of the National Infrastructure Protection Plan, and
 - Ensuring adequate planning, exercise, and training to support the National Response Plan.
- Meeting requirements with fewer federal resources made available for preparing for incidents other than catastrophic events.

It is safe to approach local emergency management from the perspective that mandates from government will continue. It is also reasonable to expect that funding from federal sources will continue to diminish. With current federal policy shifting to support of urban areas and designated critical infrastructure, Iowa may find itself looking for ways to support “emergency management self-sufficiency.” Under the best of circumstances, federal officials have made it clear they will be less willing to come to the aid of state and local jurisdictions at the levels of the past unless the disaster is of catastrophic proportions or an event of national significance.

For Iowa's future and the safety of its citizens, local emergency management policy and structure needs to support the improvement and increased capacity of local jurisdictions to prevent, protect, respond, and recover from disasters of all types. The recommendations proposed by the Advisory Committee for the Study of the Structure of Emergency Management will help position Iowa jurisdictions to achieve their emergency management mission.

Process and Methodology

The process to study the structure of emergency management was designed and implemented by State Public Policy Group (SPPG). The use of a non-government, outside facilitator with previous experience working with Iowa's local emergency management stakeholders was important to ensure that state level interests did not influence the decisions on developing equitable standards across the state for emergency management. Effective ideas and decisions necessary to proceed were required to come from local leaders.

Beginning in November 2004, the process was implemented over a 16-month period. The time frame allowed the necessary time for statewide input and consideration of all issues and viewpoints.

SPPG conducted an early scan to ascertain the intricacies and structure of emergency management in states with similar assets for which to mitigate. SPPG staff also conducted a thorough review of existing Iowa Code relating to local emergency management to gain an understanding of the statutory requirements outlined by State law.

Upon completion of the research, SPPG formed an advisory committee to encompass all stakeholders relating to emergency management. The advisory committee was composed of representatives from across the state representing mayors, county boards of supervisors, Emergency Management Coordinators, firefighters, police, county public health, county sheriffs, and citizens. One key staff from Iowa Homeland Security and Emergency Management participated as a liaison to the state agency and resource.

To maximize information and discussion, SPPG facilitated input from both the Advisory Committee and district representatives from the Iowa Emergency Management Association (IEMA.) To begin the process, SPPG facilitated two meetings with the Advisory Committee to identify and define key issues to be addressed relating to emergency management. SPPG also facilitated two meetings of the IEMA Executive Board to pinpoint the issues they determined most critical in emergency management. Key issues that came out of the meetings were used during the first round of statewide focus groups.

The statewide focus groups provided input that included first-hand comments and feedback of primary stakeholders in local emergency management. Three categories of stakeholders were invited to participate in separate sessions: County Emergency Management Coordinators, Emergency Management Commissioners, and first responders. Six sessions were conducted with Emergency Management Coordinators (EMCs) and scheduled to coincide with existing district meetings when possible. Twelve sessions each were held with Emergency Management Commissioners and first responders statewide. A key element of the methodology was to separate the three participant groups to isolate each group's input from the other groups. Locations were selected on the basis of geographic location and size including a balance of urban and rural sites. Moreover, two meetings were held in each of the six emergency management districts.

Upon completion of the 12 focus groups, SPPG summarized the feedback and input from the meetings and facilitated two Advisory Committee meetings and two IEMA Executive Board meetings. During the latter two meetings of each group, identified issues and ideas from the focus groups were refined with draft recommendations addressing governance, authority, and funding of local Emergency Management Agencies and their programs. Feedback was sought from stakeholders and community members by gathering input and comments regarding the draft recommendations.

For the second round of statewide outreach, six focus groups and six community forums were planned and executed to engage individuals among emergency management disciplines to respond to specific elements of the preliminary recommendations. Invited participants included representatives of Emergency Management Coordinators, boards of supervisors, mayors, sheriffs, police, fire, public health, public works, emergency medical services and hazardous materials teams. To allow for equal representation among all invited stakeholders, only one representative of each discipline was invited to each meeting. Community forums were held in the same communities as focus groups, all interested individuals were invited to attend, including members of the stakeholder group that were not invited to attend the earlier focus group meeting. Additionally, two sessions were offered via ICN, with two sites available per IEMA district at each session. Feedback from the second round of outreach was included in the draft recommendations that were then presented to the Advisory Committee and the IEMA Executive Board for deliberation. The final report and recommendations encompassed information and opinion gleaned throughout the 16-month process.

A map of all of the sites of meetings is included in the Appendix.

Appendix

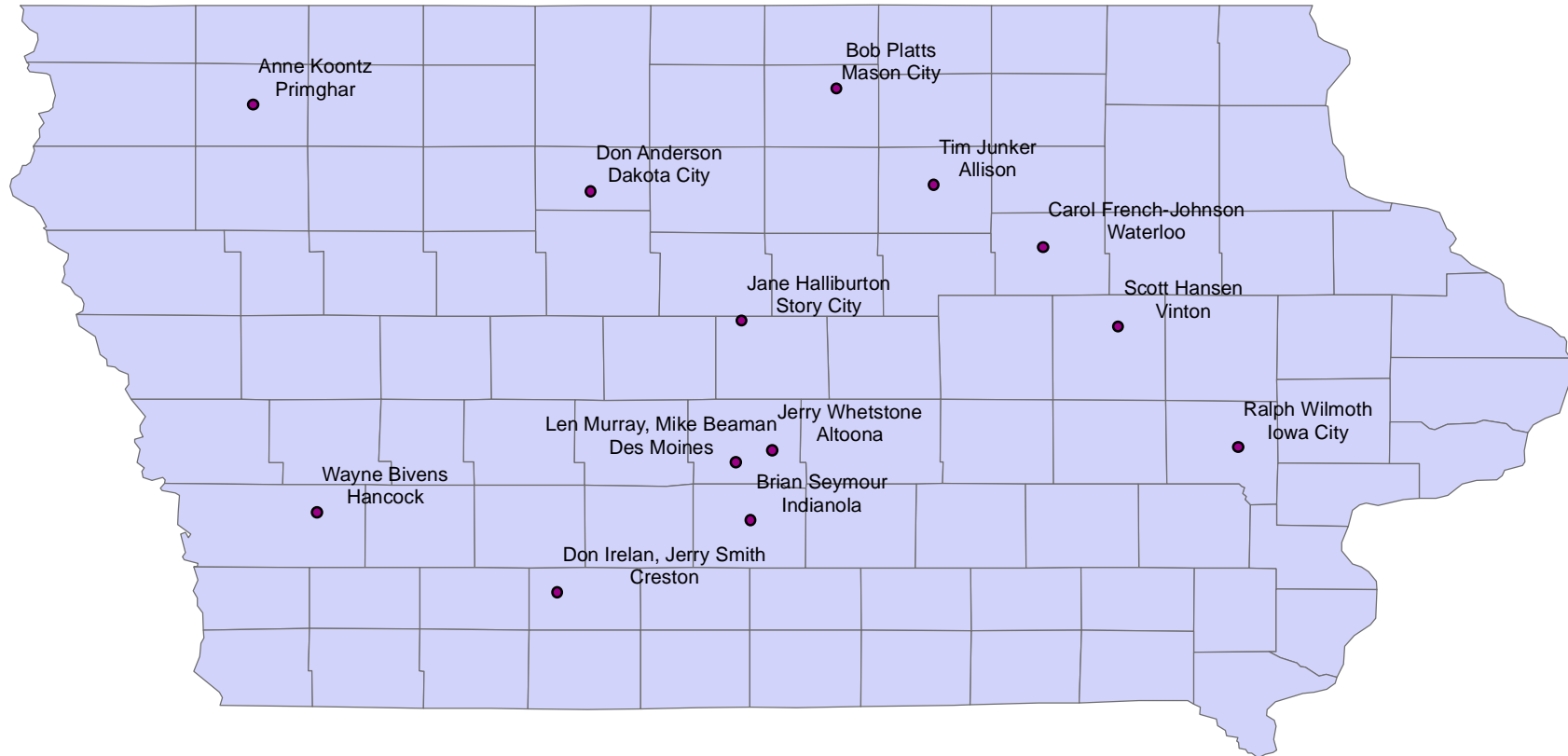
Acronym List

Study of Structure of Emergency Management

28E	Chapter of the Iowa Code that allows a formalized inter-governmental agreement for joint performance or undertaking
AAR	After Action Report
APHL	Agency for Public Health Laboratories
ARC	American Red Cross
ASTHO	Association for State and Territorial Health Officials
ATSDR	Agency for Toxic Substances and Disease Registry
BATF	Bureau of Alcohol, Tobacco, Firearms, and Explosives
CAPP	Critical Asset Protection Plan
CBIRF	Chemical and Biological Incident Response Force
CBRNE	Chemical, Biological, Radiological, Nuclear, Explosive weapons or materials
CDC	Centers for Disease Control and Prevention
CDRG	Catastrophic Disaster Response Group
CEM	Comprehensive Emergency Management
CIRG	Critical Incident Response Group
CISM	Critical Incident Stress Management
CST	Civil Support Team
CT	Counter-terrorism
DEST	Domestic Emergency Support Team
DFO	Disaster Field Office
DHHS	Department of Health and Human Services
DHS	US Department of Homeland Security
DMAT	Disaster Medical Assistance Team
DOD	Department of Defense
DOE	Department of Energy
DOJ	Department of Justice
DOT	Department of Transportation
DT	Domestic Terrorism
EAS	Emergency Alert System
EFR	Emergency First Responder
EM	Emergency Management
EMA	Emergency Management Agency
EMAP	Emergency Management Accreditation Program
EMC	Emergency Management Coordinator
EMD	Emergency Management Division
EMPG	Emergency Management Performance Grant
EMS	Emergency Medical Services
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
ERT	Emergency Response Team
ERT: BC	Emergency Response to Terrorism: Basic Concepts

ESF	Emergency Support Functions
FEMA	Federal Emergency Management Agency
GAR	Governor's Authorized Representative
GIS	Geographic Information System
HAZMAT	Hazardous Materials
HLSEM	Homeland Security and Emergency Management
HSAS	Homeland Security Advisory System
IAC	Iowa Administrative Code
IC	Incident Commander
ICN	Iowa Communications Network
ICP	Incident Command Post
ICS	Incident Command System
IDALS	Iowa Department of Agriculture and Land Stewardship
IDPS	Iowa Department of Public Safety
IEMA	Iowa Emergency Management Association
ILOC	Iowa League of Cities
IMAC	Iowa Mutual Aid Compact
ISAC	Iowa State Association of Counties
LEPC	Local Emergency Planning Committee
NEMA	National Emergency Management Association
NETC	National Emergency Training Center
NIC	NIMS Integration Center
NIMS	National Incident Management System
NIPP	National Infrastructure Protection Plan
NPG	National Preparedness Goal
NPS	National Pharmaceutical Stockpile
NRP	National Response Plan
NUREG	United States Nuclear Regulatory Commission
ODP	Office for Domestic Preparedness
OES	Office of Emergency Services
OGT	Office of Grants and Training, DHS (Formerly ODP)
OJP	Office of Justice Programs
OSHA	Occupational Safety and Health Administration
PIO	Public Information Officer
PPE	Personal Protective Equipment
SARA	Superfund Amendments and Reauthorization Act
SCBA	Self Contained Breathing Apparatus
SERP	State Emergency Response Plan
SOP	Standard Operating Procedure
SSEM	Study of the Structure of Emergency Management
SPPG	State Public Policy Group
SWAT	Special Weapons and Tactics
USAR	Urban Search and Rescue
WMD	Weapons of Mass Destruction
WMD-CST	Weapons of Mass Destruction Civil Support Team

The Study of the Structure of Emergency Management Advisory Committee



Note: Carol French-Johnson was unable to continue to serve on the Committee.

2005 Merged Iowa Code and Supplement
CHAPTER 29C
EMERGENCY MANAGEMENT

29C.1 Statement of policy.

Because of existing and increasing possibility of the occurrence of disasters, and in order to insure that preparations of this state will be adequate to deal with such disasters, and to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of the state, it is the policy of this state:

1. To establish a homeland security and emergency management division of the department of public defense and to authorize the establishment of local organizations for emergency management in the political subdivisions of the state.
2. To confer upon the governor and upon the executive heads or governing bodies of the political subdivisions of the state the emergency powers provided in this chapter.
3. To provide for the rendering of mutual aid among the political subdivisions of the state and with other states and to co-operate with the federal government with respect to the carrying out of emergency management functions.

Section History: Early form

[C62, § 28A.3; C66, 71, 73, 75, § 29C.3; C77, 79, 81, § 29C.1]

Section History: Recent form

92 Acts, ch 1139, § 1; 2003 Acts, ch 179, §157

29C.2 Definitions.

1. *"Disaster"* means man-made and natural occurrences, such as fire, flood, drought, earthquake, tornado, windstorm, hazardous substance or nuclear power plant accident or incident, which threaten the public peace, health, and safety of the people or which damage and destroy public or private property. The term includes attack, sabotage, or other hostile action from within or without the state.
2. *"Homeland security"* means the detection, prevention, preemption, deterrence of, and protection from attacks targeted at state territory, population, and infrastructure.
3. *"Local emergency management agency"* means a countywide joint county-municipal public agency organized to administer this chapter under the authority of the local emergency management commission.

4. *"Public disorder"* means such substantial interference with the public peace as to constitute a significant threat to the health and safety of the people or a significant threat to public or private property. The term includes insurrection, rioting, looting, and persistent violent civil disobedience.

Section History: Early form

[C77, 79, 81, § 29C.2; 81 Acts, ch 32, § 1]

Section History: Recent form

92 Acts, ch 1139, § 2; 2001 Acts, 2nd Ex, ch 1, §20, 21, 28

29C.3 Proclamation of state of public disorder by governor.

1. The governor may, after finding a state of public disorder exists, proclaim a state of public disorder emergency. This proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the governor, and be filed with the secretary of state.

2. Notice of a proclamation of a state of public disorder emergency shall be given by the secretary of state by publication in a newspaper of general circulation in the area affected, by broadcast through radio and television serving the area affected, and by posting signs at conspicuous places within this area. The exercise of the special powers by the governor under this section shall not be precluded by the lack of giving notice if the giving of notice has been diligently attempted. All orders and rules promulgated under the proclamation shall be given public notice by the governor in the area affected.

3. A state of public disorder emergency shall continue for ten days, unless sooner terminated by the governor. The general assembly may, by concurrent resolution, rescind a proclamation of a state of public disorder emergency. If the general assembly is not in session, the legislative council may, by a majority vote, rescind this proclamation. Rescission shall be effective upon filing of the concurrent resolution or resolution of the legislative council with the secretary of state.

4. The governor may, during the existence of a state of public disorder emergency, prohibit:

a. Any person being in a public place during the hours declared by the governor to be a period of curfew if this period does not exceed twelve hours in any one day and if its area of its application is specifically designated.

b. Public gatherings of a designated number of persons within a designated area.

c. The manufacture, use, possession, or transportation of any device or object designed to explode or produce uncontained combustion.

- d.* The possession of any flammable or explosive liquids or materials in a glass or uncapped container, except in connection with normal operation of motor vehicles or normal home and commercial use.
- e.* The possession of firearms or any other deadly weapon by a person other than at that person's place of residence or business, except by law enforcement officers.
- f.* The sale, purchase, or dispensing of alcoholic beverages.
- g.* The sale, purchase, or dispensing of such other commodities as are designated by the governor.
- h.* The use of certain streets or highways by the public.
- i.* Such other activities as the governor reasonably believes should be prohibited to help maintain life, health, property, or the public peace.

Section History: Early form

[C77, 79, 81, § 29C.3]

29C.4 Judicial protections.

The supreme court shall promulgate rules for emergency proceedings to be effective upon the declaration of a state of public disorder emergency in order that the constitutional rights of all persons taken into custody shall be adequately protected.

Section History: Early form

[C77, 79, 81, § 29C.4]

29C.5 Homeland security and emergency management division.

A homeland security and emergency management division is created within the department of public defense. The homeland security and emergency management division shall be responsible for the administration of emergency planning matters, including emergency resource planning in this state, cooperation with and support of the civil air patrol, homeland security activities, and coordination of available services in the event of a disaster.

Section History: Early form

[C62, § 28A.1; C66, 71, 73, 75, § 29C.1; C77, 79, 81, § 29C.5]

Section History: Recent form

Footnotes

See § 29.3

29C.6 Proclamation of disaster emergency by governor.

In exercising the governor's powers and duties under this chapter and to effect the policy and purpose, the governor may:

1. After finding a disaster exists or is threatened, proclaim a state of disaster emergency. This proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the governor, and be filed with the secretary of state. If the state of disaster emergency specifically constitutes a public health disaster as defined in section 135.140, the written proclamation shall include a statement to that effect. A state of disaster emergency shall continue for thirty days, unless sooner terminated or extended in writing by the governor. The general assembly may, by concurrent resolution, rescind this proclamation. If the general assembly is not in session, the legislative council may, by majority vote, rescind this proclamation. Recision shall be effective upon filing of the concurrent resolution or resolution of the legislative council with the secretary of state. A proclamation of disaster emergency shall activate the disaster response and recovery aspect of the state, local, and interjurisdictional disaster emergency plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces to which the plan applies, and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available.

2. When, at the request of the governor, the president of the United States has declared a major disaster to exist in this state, enter into purchase, lease, or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and to make such units available to any political subdivision of the state, to assist any political subdivision of this state which is the locus of temporary housing for disaster victims, to acquire sites necessary for such temporary housing and to do all things required to prepare such sites to receive and utilize temporary housing units, by advancing or lending funds available to the governor from any appropriation made by the legislature or from any other source, allocating funds made available by any agency, public or private, or becoming a copartner with the political subdivision for the execution and performance of any temporary housing for disaster victims project. Any political subdivision of this state is expressly authorized to acquire, temporarily or permanently, by purchase, lease, or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into whatever arrangements are necessary to prepare or equip such sites to utilize the housing units. The governor may temporarily suspend or modify, for not to exceed sixty days, any public health, safety, zoning, transportation, or other requirement of law or regulation within this state when by proclamation, the

governor deems such suspension or modification essential to provide temporary housing for disaster victims.

3. When the president of the United States has declared a major disaster to exist in the state and upon the governor's determination that a local government of the state will suffer a substantial loss of tax and other revenues from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, apply to the federal government, on behalf of the local government for a loan, receive and disburse the proceeds of any approved loan to any applicant local government, determine the amount needed by any applicant local government to restore or resume its governmental functions, and certify the same to the federal government; however, no application amount shall exceed twenty-five percent of the annual operating budget of the applicant for the fiscal year in which the major disaster occurs. The governor may recommend to the federal government, based upon the governor's review, the cancellation of all or any part or repayment when, in the first three full fiscal year period following the major disaster, the revenues of the local government are insufficient to meet its operating expenses, including additional disaster-related expenses of a municipal operation character.

4. When a disaster emergency is proclaimed, notwithstanding any other provision of law, through the use of state agencies or the use of any of the political subdivisions of the state, clear or remove from publicly or privately owned land or water, debris and wreckage which may threaten public health or safety or public or private property. The governor may accept funds from the federal government and utilize such funds to make grants to any local government for the purpose of removing debris or wreckage from publicly or privately owned land or water. Authority shall not be exercised by the governor unless the affected local government, corporation, organization or individual shall first present an additional authorization for removal of such debris or wreckage from public and private property and, in the case of removal of debris or wreckage from private property, such corporation, organization or individual shall first agree to hold harmless the state or local government against any claim arising from such removal. When the governor provides for clearance of debris or wreckage, employees of the designated state agencies or individuals appointed by the state may enter upon private land or waters and perform any tasks necessary to the removal or clearance operation. Any state employee or agent complying with orders of the governor and performing duties pursuant to such orders under this chapter shall be considered to be acting within the scope of employment within the meaning specified in chapter 669.

5. When the president of the United States has declared a major disaster to exist in the state and upon the governor's determination that financial assistance is essential to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster that cannot be otherwise adequately met from other means of assistance, accept a grant by the federal government to fund such financial assistance, subject to such terms and conditions as may be imposed upon the grant and enter into an agreement with the federal government pledging the state to participate in the funding of the financial assistance authorized in an amount not to exceed twenty-five percent

thereof, and, if state funds are not otherwise available to the governor, accept an advance of the state share from the federal government to be repaid when the state is able to do so.

6. Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders or rules, of any state agency, if strict compliance with the provisions of any statute, order or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency by stating in a proclamation such reasons. Upon the request of a local governing body, the governor may also suspend statutes limiting local governments in their ability to provide services to aid disaster victims.
7. On behalf of this state, enter into mutual aid arrangements with other states and to coordinate mutual aid plans between political subdivisions of this state.
8. Delegate any administrative authority vested in the governor under this chapter and provide for the subdelegation of any such authority.
9. Cooperate with the president of the United States and the heads of the armed forces, the emergency management agencies of the United States and other appropriate federal officers and agencies and with the officers and agencies of other states in matters pertaining to emergency management of the state and nation.
10. Utilize all available resources of the state government as reasonably necessary to cope with the disaster emergency and of each political subdivision of the state.
11. Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management.
12. Subject to any applicable requirements for compensation, commandeer or utilize any private property if the governor finds this necessary to cope with the disaster emergency.
13. Direct the evacuation of all or part of the population from any stricken or threatened area within the state if the governor deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery.
14. Prescribe routes, modes of transportation, and destinations in connection with evacuation.
15. Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises in such area.
16. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.
17. *a.* When the president of the United States has declared a major disaster to exist in the state and upon the governor's determination that financial assistance is essential to

meet disaster-related necessary expenses or serious needs of local and state government adversely affected by a major disaster that cannot be otherwise adequately met from other means of assistance, accept a grant by the federal government to fund the financial assistance, subject to terms and conditions imposed upon the grant, and enter into an agreement with the federal government pledging the state to participate in the funding of the financial assistance authorized to local government and eligible private nonprofit agencies in an amount not to exceed ten percent of the total eligible expenses, with the applicant providing the balance of any participation amount. If financial assistance is granted by the federal government for state disaster-related expenses or serious needs, the state shall participate in the funding of the financial assistance authorized in an amount not to exceed twenty-five percent of the total eligible expenses. If financial assistance is granted by the federal government for hazard mitigation, the state may participate in the funding of the financial assistance authorized to a local government in an amount not to exceed ten percent of the eligible expenses, with the applicant providing the balance of any participation amount. If financial assistance is granted by the federal government for state-related hazard mitigation, the state may participate in the funding of the financial assistance authorized, not to exceed fifty percent of the total eligible expenses. If state funds are not otherwise available to the governor, an advance of the state share may be accepted from the federal government to be repaid when the state is able to do so.

b. State participation in funding financial assistance under paragraph "a" is contingent upon the local government having on file a state-approved, comprehensive, countywide emergency operations plan which meets the standards adopted pursuant to section 29C.9, subsection 8.

Section History: Early form

[C62, § 28A.3; C66, 71, 73, 75, § 29C.3; C77, 79, 81, § 29C.6; 81 Acts, ch 32, § 2]

Section History: Recent form

85 Acts, ch 53, § 1; 92 Acts, ch 1139, § 4; 99 Acts, ch 86, §3, 4; 2003 Acts, ch 33, §7,
11

29C.7 Powers and duties of adjutant general.

The adjutant general, as the director of the department of public defense and under the direction and control of the governor, shall have supervisory direction and control of the homeland security and emergency management division and shall be responsible to the governor for the carrying out of the provisions of this chapter. In the event of disaster beyond local control, the adjutant general may assume direct operational control over all or any part of the emergency management functions within this state.

Section History: Early form

[C66, 71, 73, 75, § 29C.3; C77, 79, 81, § 29C.7]

Section History: Recent form

92 Acts, ch 1139, § 5; 2003 Acts, ch 179, §157

29C.8 Powers and duties of administrator.

1. The homeland security and emergency management division shall be under the management of an administrator appointed by the governor.
2. The administrator shall be vested with the authority to administer emergency management and homeland security affairs in this state and shall be responsible for preparing and executing the emergency management and homeland security programs of this state subject to the direction of the adjutant general.
3. The administrator, upon the direction of the governor and supervisory control of the director of the department of public defense, shall:
 - a. Prepare a comprehensive plan and emergency management program for homeland security, disaster preparedness, response, recovery, mitigation, emergency operation, and emergency resource management of this state. The plan and program shall be integrated into and coordinated with the homeland security and emergency plans of the federal government and of other states to the fullest possible extent and coordinate the preparation of plans and programs for emergency management of the political subdivisions and various state departments of this state. The plans shall be integrated into and coordinated with a comprehensive state homeland security and emergency program for this state as coordinated by the administrator of the homeland security and emergency management division to the fullest possible extent.
 - b. Make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the vulnerabilities of critical state infrastructure and assets to attack and the capabilities of the state for disaster recovery, disaster planning and operations, and emergency resource management, and to plan for the most efficient emergency use thereof.
 - c. Provide technical assistance to any local emergency commission or joint commission requiring the assistance in the development of an emergency management or homeland security program.
 - d. Implement planning and training for emergency response teams as mandated by the federal government under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq.
 - e. Prepare a critical asset protection plan that contains an inventory of infrastructure, facilities, systems, other critical assets, and symbolic landmarks; an assessment of the criticality, vulnerability, and level of threat to the assets; and information pertaining to

the mobilization, deployment, and tactical operations involved in responding to or protecting the assets.

f. (1) Approve and support the development and ongoing operations of an urban search and rescue team to be deployed as a resource to supplement and enhance emergency and disaster operations.

(2) A member of an urban search and rescue team acting under the authority of the administrator or pursuant to a governor's disaster proclamation as provided in section 29C.6 shall be considered an employee of the state under chapter 669 and shall be afforded protection as an employee of the state under section 669.21. Disability, workers' compensation, and death benefits for team members working under the authority of the administrator or pursuant to the provisions of section 29C.6 shall be paid by the state in a manner consistent with the provisions of chapter 85, 410, or 411 as appropriate, depending on the status of the member.

g. Develop, implement, and support a uniform incident command system to be used by state agencies to facilitate efficient and effective assistance to those affected by emergencies and disasters. This system shall be consistent with the requirements of the United States occupational safety and health administration and a national incident management system.

4. The administrator, with the approval of the governor and upon recommendation of the adjutant general, may employ a deputy administrator and such technical, clerical, stenographic, and other personnel and make such expenditures within the appropriation or from other funds made available to the department of public defense for purposes of emergency management, as may be necessary to administer this chapter.

5. The homeland security and emergency management division may charge fees for the repair, calibration, or maintenance of radiological detection equipment and may expend funds in addition to funds budgeted for the servicing of the radiological detection equipment. The division shall adopt rules pursuant to chapter 17A providing for the establishment and collection of fees for radiological detection equipment repair, calibration, or maintenance services and for entering into agreements with other public and private entities to provide the services. Fees collected for repair, calibration, or maintenance services shall be treated as repayment receipts as defined in section 8.2 and shall be used for the operation of the division's radiological maintenance facility or radiation incident response training.

Section History: Early form

[C62, § 28A.4, 28A.5; C66, 71, 73, 75, § 29C.4, 29C.5; C77, 79, 81, § 29C.8]

Section History: Recent form

88 Acts, ch 1190, § 1; 92 Acts, ch 1139, § 6--8; 99 Acts, ch 86, §2; 2001 Acts, 2nd Ex, ch 1, §23, 24, 28; 2002 Acts, ch 1117, §54, 56; 2003 Acts, ch 179, §104, 157

29C.8A Emergency response fund created.

1. An emergency response fund is created in the state treasury. The first one hundred thousand dollars received annually by the treasurer of state for the civil penalties and fines imposed by the court pursuant to sections 455B.146, 455B.191, 455B.386, 455B.417, 455B.454, 455B.466, and 455B.477 shall be deposited in the waste volume reduction and recycling fund created in section 455D.15. The next hundred thousand dollars shall be deposited in the emergency response fund and any additional moneys shall be deposited in the household hazardous waste account. All moneys received annually by the treasurer of the state for the fines imposed by sections 716B.2, 716B.3, and 716B.4 shall also be deposited in the emergency response fund.
2. The emergency response fund shall be administered by the homeland security and emergency management division to carry out planning and training for the emergency response teams.

Section History: Recent form

88 Acts, ch 1190, § 2; 90 Acts, ch 1260, § 21; 92 Acts, ch 1139, § 9; 2003 Acts, ch 179, §157

29C.9 Local emergency management commissions.

1. The county boards of supervisors, city councils, and school district boards of directors in each county shall cooperate with the homeland security and emergency management division of the department of public defense to establish a local emergency management commission to carry out the provisions of this chapter.
2. The commission shall be composed of a member of the board of supervisors or its appointed representative, the sheriff or the sheriff's representative, and the mayor or the mayor's representative from each city within the county. The commission members shall be the operations liaison officers between their jurisdiction and the commission.
3. The name used by the commission shall be (county name) county emergency management commission. The name used by the office of the commission shall be (county name) county emergency management agency.
4. For the purposes of this chapter, the commission or joint commission is a municipality as defined in section 670.1.
5. The commission shall model its bylaws and conduct its business according to the guidelines provided in the state division's administrative rules.

6. The commission shall determine the mission of its agency and program and provide direction for the delivery of the emergency management services of planning, administration, coordination, training, and support for local governments and their departments. The commission shall coordinate its services in the event of a disaster.
7. The commission shall delegate to the emergency management coordinator the authority to fulfill the commission duties as described in the division's administrative rules. Each commission shall appoint a county emergency management coordinator who shall meet the qualifications specified in the administrative rules by the administrator of the homeland security and emergency management division. Additional emergency management personnel may be appointed at the discretion of the commission.
8. The commission shall develop, adopt, and submit for approval by local governments within the county, a comprehensive countywide emergency operations plan which meets standards adopted by the division in accordance with chapter 17A. If an approved comprehensive countywide emergency operations plan has not been prepared according to established standards and the administrator of the homeland security and emergency management division finds that satisfactory progress is not being made toward the completion of the plan, or if the administrator finds that a local emergency management commission has failed to appoint a qualified emergency management coordinator as provided in this chapter, the administrator shall notify the governing bodies of the counties and cities affected by the failure and the governing bodies shall not appropriate any moneys to the local emergency management fund until the disaster plan is prepared and approved or a qualified emergency management coordinator is appointed. If the administrator finds that a city or a county has appointed an unqualified emergency management coordinator, the administrator shall notify the governing body of the city or county citing the qualifications which are not met and the governing body shall not approve the payment of the salary or expenses of the unqualified emergency management coordinator.
9. The commission shall encourage local officials to support and participate in exercise programs which test proposed or established jurisdictional emergency plans and capabilities. During emergencies when lives are threatened and extensive damage has occurred to property, the county and all cities involved shall fully cooperate with the emergency management agency to provide assistance in order to coordinate emergency management activities including gathering of damage assessment data required by state and federal authorities for the purposes of emergency declarations and disaster assistance.
10. Two or more commissions may, upon review by the state administrator and with the approval of their respective boards of supervisors and cities, enter into agreements pursuant to chapter 28E for the joint coordination and administration of emergency management services throughout the multicounty area.

Section History: Early form

[C62, § 28A.7; C66, 71, 73, 75, § 29C.7; C77, 79, 81, § 29C.9]

Section History: Recent form

83 Acts, ch 123, § 40, 209; 92 Acts, ch 1139, § 10; 2003 Acts, ch 179, §157

29C.10 Emergency management coordinator.

1. The commission or joint commission shall appoint an emergency management coordinator who shall serve at the pleasure of the commission and shall be responsible for the development of the countywide emergency operations plan, coordination of emergency planning activities and provide technical assistance to political subdivisions throughout the county.
2. When an emergency or disaster occurs, the emergency management coordinator shall provide coordination and assistance to the governing officials of the municipalities and the county.
3. The mayors and the board of supervisors shall cooperate with the president of the United States and the heads of the armed forces and other appropriate federal, state, and local officers and agencies and with the officers and agencies of adjoining states in matters pertaining to comprehensive emergency management for a city or county.

Section History: Early form

[C66, 71, 73, 75, § 29C.7; C77, 79, 81, § 29C.10]

Section History: Recent form

92 Acts, ch 1139, § 11

29C.11 Local mutual aid arrangements.

1. The emergency management coordinator for each emergency management agency shall, in collaboration with other public and private agencies within this state, develop mutual aid arrangements for reciprocal disaster services and recovery aid and assistance in case of disaster too great to be dealt with unassisted. The arrangements shall be consistent with the homeland security and emergency management division plan and program, and in time of emergency each local emergency management agency shall render assistance in accordance with the provisions of the mutual aid arrangements.
2. The emergency management coordinator of each local emergency management agency may, subject to the approval of the governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency services and recovery aid and assistance in case of disaster too great to be dealt with unassisted.

Section History: Early form

[C77, 79, 81, § 29C.11]

Section History: Recent form

92 Acts, ch 1139, § 12; 2003 Acts, ch 179, §157

29C.17 Local emergency management fund.

1. A local emergency management fund is created in the office of the county treasurer. Revenues provided and collected shall be deposited in the fund. An unencumbered balance in the fund shall not revert to county general revenues. Any reimbursement, matching funds, moneys received from sale of property, or moneys obtained from any source in connection with the county emergency management program shall be deposited in the local emergency management fund. The commission shall be the fiscal authority and the chairperson or vice-chairperson of the commission is the certifying official.
2. For the purposes consistent with this chapter, the county emergency management agency's approved budget may be funded by one or any combination of the following options:
 - a. A countywide special levy approved by the board of supervisors.
 - b. Per capita allocation funded from city and county general funds or by a combination of city and county special levies which may be apportioned among the member jurisdictions.
 - c. An allocation computed as each jurisdiction's relative share of the total assessed valuation within the county.
 - d. A voluntary share allocation.
3. A political subdivision may appropriate additional funds for the purpose of supporting commission expenses relating to special or unique matters extending beyond the resources of the agency.
4. Expenditures from the local emergency management fund shall be made on warrants drawn by the county auditor, supported by claims and vouchers signed by the emergency management coordinator or chairperson of the commission.
5. Subject to chapter 24, the commission shall adopt, certify, and submit a budget, on or before February 28 of each year, to the county board of supervisors and the cities for the ensuing fiscal year which will include an itemized list of the number of emergency management personnel, their salaries and cost of personnel benefits, travel and transportation costs, fixed costs of operation, and all other anticipated emergency management expenses. The salaries and compensation of agency personnel coming under

the merit system as determined by the commission will include salary schedules for classes in which the salary of a class is based on merit qualifications for the positions.

Section History: Early form

[C62, § 28A.12; C66, 71, 73, 75, § 29C.13; C77, 79, 81, § 29C.17]

Section History: Recent form

92 Acts, ch 1139, § 16

29C.18 Enforcement duties.

1. Every organization for emergency management established pursuant to this chapter and its officers shall execute and enforce the orders or rules made by the governor, or under the governor's authority and the orders or rules made by subordinate organizations and not contrary or inconsistent with the orders or rules of the governor.
2. A peace officer, when in full and distinctive uniform or displaying a badge or other insignia of authority, may arrest without a warrant any person violating or attempting to violate in such officer's presence any order or rule, made pursuant to this chapter. This authority shall be limited to those rules which affect the public generally.

Section History: Early form

[C66, 71, 73, 75, § 29C.15; C77, 79, 81, § 29C.18]

Section History: Recent form

92 Acts, ch 1139, § 17

29C.19 Rules and order exempted.

Any order issued or rule promulgated by a state agency during a declared disaster emergency and pursuant to the provisions of this chapter shall be exempt from being issued or promulgated as provided in chapter 17A.

Section History: Early form

[C77, 79, 81, § 29C.19]

29C.20 Contingent fund -- disaster aid.

1. *a.* A contingent fund is created in the state treasury for the use of the executive council which may be expended for the following purposes:

(1) Paying the expenses of suppressing an insurrection or riot, actual or threatened, when state aid has been rendered by order of the governor.

(2) Repairing, rebuilding, or restoring state property injured, destroyed, or lost by fire, storm, theft, or unavoidable cause.

(3) Repairing, rebuilding, or restoring state property that is fiberoptic cable and that is injured or destroyed by a wild animal.

(4) Purchasing a police service dog for the department of corrections when such a dog is injured or destroyed.

(5) Paying the expenses incurred by and claims of an urban search and rescue team when acting under the authority of the administrator and the provisions of section 29C.6 and disaster medical assistance teams when acting under the provisions of section 135.143.

(6) (a) Aiding any governmental subdivision in an area declared by the governor to be a disaster area due to natural disasters or to expenditures necessitated by the governmental subdivision toward averting or lessening the impact of the potential disaster, where the effect of the disaster or action on the governmental subdivision is the immediate financial inability to meet the continuing requirements of local government.

(b) Upon application by a governmental subdivision in such an area, accompanied by a showing of obligations and expenditures necessitated by an actual or potential disaster in a form and with further information the executive council requires, the aid may be made in the discretion of the executive council and, if made, shall be in the nature of a loan up to a limit of seventy-five percent of the showing of obligations and expenditures. The loan, without interest, shall be repaid by the maximum annual emergency levy authorized by section 24.6, or by the appropriate levy authorized for a governmental subdivision not covered by section 24.6. The aggregate total of loans shall not exceed one million dollars during a fiscal year. A loan shall not be for an obligation or expenditure occurring more than two years previous to the application.

b. When a state department or agency requests that moneys from the contingent fund be expended to repair, rebuild, or restore state property injured, destroyed, or lost by fire, storm, theft, or unavoidable cause, or to repair, rebuild, or restore state property that is fiberoptic cable and that is injured or destroyed by a wild animal, or to purchase a police service dog for the department of corrections when such a dog is injured or destroyed, or for payment of the expenses incurred by and claims of an urban search and rescue team when acting under the authority of the administrator and the provisions of section 29C.6, the executive council shall consider the original source of the funds for acquisition of the property before authorizing the expenditure. If the original source was other than the general fund of the state, the department or agency shall be directed to utilize moneys from the original source if possible. The executive council shall not authorize the repairing, rebuilding, or restoring of the property from the disaster aid contingent fund if it determines that moneys from the original source are available to finance the project.

2. The proceeds of such loan shall be applied toward the payment of costs and obligations necessitated by such actual or potential disaster and the reimbursement of local funds from which such expenditures have been made. Any such project for repair, rebuilding or restoration of state property for which no specific appropriation has been made, shall, before work is begun, be subject to approval or rejection by the executive council.
3. If the president of the United States, at the request of the governor, has declared a major disaster to exist in this state, the executive council may make financial grants to meet disaster-related necessary expenses, serious needs, or hazard mitigation projects of local governments and eligible private nonprofit agencies adversely affected by the major disaster if those expenses or needs cannot otherwise be met from other means of assistance. The amount of the grant shall not exceed ten percent of the total eligible expenses and is conditional upon the federal government providing at least seventy-five percent for public assistance grants and at least fifty percent for hazard mitigation grants of the eligible expenses.
4. If the president, at the request of the governor, has declared a major disaster to exist in this state, the executive council may make financial grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster which cannot otherwise adequately be met from other means of assistance. The amount of a financial grant shall not exceed the maximum federal authorization in the aggregate to an individual or family in any single major disaster declared by the president. All grants authorized to individuals and families will be subject to the federal government providing no less than seventy-five percent of each grant and the declaration of a major disaster in the state by the president of the United States.
5. If the president, at the request of the governor, has declared a major disaster to exist in this state, the executive council may lease or purchase sites and develop such sites to accommodate temporary housing units for disaster victims.
6. For the purposes of this section, "*governmental subdivision*" means any political subdivision of this state.

Section History: Early form

[C73, § 120; C97, § 170; C24, 27, 31, 35, 39, § **286**; C46, 50, 54, 58, 62, 66, 71, 73, 75, § 19.7; C77, 79, 81, § 29C.20]

Section History: Recent form

85 Acts, ch 53, § 2; 85 Acts, ch 195, § 6; 89 Acts, ch 315, § 27; 92 Acts, ch 1139, § 18; 97 Acts, ch 210, § 19; 2003 Acts, ch 155, § 1; 2003 Acts, ch 179, § 105

29C.21 Emergency management assistance compact.

The interstate emergency management assistance compact is entered into with all other states which enter into the compact in substantially the following form:

ARTICLE I -- PURPOSE AND AUTHORITIES

This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this agreement, the term "*states*" is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all United States territorial possessions.

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' national guard forces, either in accordance with the national guard mutual assistance compact or by mutual agreement between states.

ARTICLE II -- GENERAL IMPLEMENTATION

Each party state entering into this compact recognizes many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

ARTICLE III -- PARTY STATE RESPONSIBILITIES

1. It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

- a.* Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resource shortages, civil disorders, insurgency, or enemy attack.
- b.* Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.
- c.* Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.
- d.* Assist in warning communities adjacent to or crossing the state boundaries.
- e.* Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material.
- f.* Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.
- g.* Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

2. The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty days of the verbal request. Requests shall provide all of the following:

- a.* A description of the emergency service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.
- b.* The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.

c. The specific place and time for staging of the assisting party's response and a point of contact at that location.

3. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States government, with free exchange of information, plans, and resource records relating to emergency capabilities.

ARTICLE IV -- LIMITATIONS

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof, provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency or disaster by the governor of the party state that is to receive assistance or commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state, whichever is longer.

ARTICLE V -- LICENSES AND PERMITS

Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

ARTICLE VI -- LIABILITY

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes; and no party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any

equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

ARTICLE VII -- SUPPLEMENTARY AGREEMENTS

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force between states.

Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

ARTICLE VIII -- COMPENSATION

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

ARTICLE IX -- REIMBURSEMENT

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this provision.

ARTICLE X -- EVACUATION

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management or services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the

forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

ARTICLE XI -- IMPLEMENTATION

1. This compact shall become operative immediately upon its enactment into law by any two states; thereafter, this compact shall become effective as to any other state upon its enactment by such state.
2. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until thirty days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.
3. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the federal emergency management agency and other appropriate agencies of the United States government.

ARTICLE XII -- VALIDITY

This compact shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

ARTICLE XIII -- ADDITIONAL PROVISIONS

Nothing in this compact shall authorize or permit the use of military force by the national guard of a state at any place outside that state in any emergency for which the president is authorized by law to call into federal service the militia, or for any purpose for which the use of the army or the air force would in the absence of express statutory authorization be prohibited under section 1385 of Title 18, United States Code.

Section History: Early form

[C62, § 28A.3, C66, 71, 73, 75, § 29C.3; C77, 79, 81, § 29C.21]

Section History: Recent form

97 Acts, ch 129, §1

29C.22 Statewide mutual aid compact.

This statewide mutual aid compact is entered into with all other counties, cities, and other political subdivisions that enter into this compact in substantially the following form:

ARTICLE I PURPOSE AND AUTHORITIES

This compact is made and entered into by and between the participating counties, cities, and political subdivisions which enact this compact. For the purposes of this agreement, the term "*participating governments*" means counties, cities, townships, and other political subdivisions of the state which have, through ordinance or resolution of the governing body, acted to adopt this compact.

The purpose of this compact is to provide for mutual assistance between the participating governments entering into this compact in managing any emergency or disaster that is declared in accordance with a countywide comprehensive emergency operations plan or by the governor, whether arising from natural disaster, technological hazard, man-made disaster, community disorder, insurgency, terrorism, or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by participating governments during emergencies, such actions occurring outside actual declared emergency periods.

ARTICLE II GENERAL IMPLEMENTATION

Each participating government entering into this compact recognizes many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each participating government further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to the emergency. This is because few, if any, individual governments have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full, and effective use of resources of the participating governments, including any resources on hand or available from any source, that are essential to the

safety, care, and welfare of the people in the event of any emergency or disaster declared by the governor or any participating government, shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the participating government in the compact, the legally designated official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate intrastate mutual aid plans and procedures necessary to implement this compact.

ARTICLE III PARTICIPATING GOVERNMENT RESPONSIBILITIES

1. It shall be the responsibility of each participating government to formulate procedural plans and programs for intrastate cooperation in the performance of the responsibilities listed in this article. In formulating the plans, and in carrying them out, the participating governments, insofar as practical, shall:

- a.* Review individual hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the participating governments might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, civil disorders, insurgency, terrorism, or enemy attack.
- b.* Review the participating governments' individual emergency plans and develop a plan that will determine the mechanism for the intrastate management and provision of assistance concerning any potential emergency.
- c.* Develop intrastate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.
- d.* Assist in warning communities adjacent to or crossing the participating governments' boundaries.
- e.* Protect and ensure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material.
- f.* Inventory and set procedures for the intrastate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.
- g.* Provide, to the extent authorized by law, for temporary suspension of any ordinances that restrict the implementation of the above responsibilities.

2. The authorized representative of a participating government may request assistance of another participating government by contacting the authorized representative of that participating government. The provisions of this compact shall only apply to requests for

assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty days of the verbal request. Requests shall provide all of the following:

- a.* A description of the emergency service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.
 - b.* The amount and type of personnel, equipment, materials, and supplies needed, and a reasonable estimate of the length of time that the personnel, equipment, materials, and supplies will be needed.
 - c.* The specific place and time for staging of the assisting participating government's response and a point of contact at that location.
3. The authorized representative of a participating government may initiate a request by contacting the homeland security and emergency management division of the state department of public defense. When a request is received by the division, the division shall directly contact other participating governments to coordinate the provision of mutual aid.
 4. Frequent consultation shall occur between officials who have been assigned emergency management responsibilities and other appropriate representatives of the participating governments with affected jurisdictions and state government, with free exchange of information, plans, and resource records relating to emergency capabilities.

ARTICLE IV LIMITATIONS

Any participating government requested to render mutual aid or conduct exercises and training for mutual aid shall take the necessary action to provide and make available the resources covered by this compact in accordance with the terms of the compact. However, it is understood that the participating government rendering aid may withhold resources to the extent necessary to provide reasonable protection for the participating government. Each participating government shall afford to the emergency forces of any other participating government, while operating within its jurisdictional limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving participating government, duties, rights, and privileges as are afforded forces of the participating government in which the emergency forces are performing emergency services. Emergency forces shall continue under the command and control of their regular leaders, but the organizational units shall come under the operational control of the emergency services authorities of the participating government receiving assistance. These conditions may be activated, as needed, only

subsequent to a declaration of a state of emergency or disaster by the governor or by competent authority of the participating government that is to receive assistance, or commencement of exercises or training for mutual aid, and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving jurisdiction, whichever is longer.

ARTICLE V LICENSES AND PERMITS

If a person holds a license, certificate, or other permit issued by any participating government to this compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when the assistance is requested by another participating government, the person shall be deemed licensed, certified, or permitted by the participating government requesting assistance to render aid involving the skill to meet a declared emergency or disaster, subject to the limitations and conditions as the governor may prescribe by executive order or otherwise.

ARTICLE VI LIABILITY

Officers or employees of a participating government rendering aid in another participating government jurisdiction pursuant to this compact shall be considered agents of the requesting participating government for tort liability and immunity purposes and a participating government or its officers or employees rendering aid in another jurisdiction pursuant to this compact shall not be liable on account of any act or omission in good faith on the part of the forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection with the aid. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

ARTICLE VII SUPPLEMENTARY AGREEMENTS

Because it is probable that the pattern and detail of the machinery for mutual aid among two or more participating governments may differ from that among other participating governments, this compact contains elements of a broad base common to all political subdivisions, and this compact shall not preclude any political subdivision from entering into supplementary agreements with another political subdivision or affect any other agreements already in force between political subdivisions. Supplementary agreements may include, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

ARTICLE VIII WORKERS' COMPENSATION

Each participating government shall provide for the payment of workers' compensation and death benefits to injured members of the emergency forces of that participating government and representatives of deceased members of the emergency forces in case the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

ARTICLE IX REIMBURSEMENT

Any participating government rendering aid in another jurisdiction pursuant to this compact shall be reimbursed by the participating government receiving the emergency aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with the requests. However, an aiding political subdivision may assume in whole or in part the loss, damage, expense, or other cost, or may loan the equipment or donate the services to the receiving participating government without charge or cost, and any two or more participating governments may enter into supplementary agreements establishing a different allocation of costs among the participating governments. Article VIII expenses shall not be reimbursable under this provision.

ARTICLE X EVACUATION AND SHELTERING

Plans for the orderly evacuation and reception of portions of the civilian population as the result of any emergency or disaster shall be worked out and maintained between the participating governments and the emergency management or services directors of the various jurisdictions where any type of incident requiring evacuations might occur. The plans shall be put into effect by request of the participating government from which evacuees come and shall include the manner of transporting the evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of the evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. The plans shall provide that the participating government receiving evacuees and the participating government from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for the evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. The expenditures shall be reimbursed as agreed by the participating government from which the evacuees come. After the termination of the emergency or

disaster, the participating government from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

ARTICLE XI IMPLEMENTATION

1. This compact shall become operative immediately upon its adoption by ordinance or resolution by the governing bodies of any two political subdivisions. Thereafter, this compact shall become effective as to any other political subdivision upon its adoption by ordinance or resolution of the governing body of the political subdivision.
2. Any participating government may withdraw from this compact by adopting an ordinance or resolution repealing the same, but a withdrawal shall not take effect until thirty days after the governing body of the withdrawing participating government has given notice in writing of the withdrawal to the administrator of the homeland security and emergency management division who shall notify all other participating governments. The action shall not relieve the withdrawing political subdivision from obligations assumed under this compact prior to the effective date of withdrawal.
3. Duly authenticated copies of this compact and any supplementary agreements as may be entered into shall be deposited, at the time of their approval, with the administrator of the homeland security and emergency management division who shall notify all participating governments and other appropriate agencies of state government.

ARTICLE XII VALIDITY

This compact shall be construed to effectuate the purposes stated in article I. If any provision of this compact is declared unconstitutional, or the applicability of the compact to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability of this compact to other persons and circumstances shall not be affected.

Section History: Recent form

2002 Acts, ch 1117, §55, 56; 2003 Acts, ch 179, §157

CHAPTER 7 LOCAL EMERGENCY MANAGEMENT

[Prior to 4/18/90, Public Defense Department[650], Ch 7]

[Prior to 5/12/93, Disaster Services Division[607], Ch 7]

605—7.1(29C) Scope and purpose. These rules apply to each local emergency management commission as provided for in Iowa Code section 29C.9. These rules are intended to establish standards for emergency management and to provide local emergency management commissions with the criteria to assess and measure their capability to mitigate against, prepare for, respond to, and recover from emergencies or disasters.

605—7.2(29C) Definitions. For purposes of this chapter, the following definitions will apply:

“*Shall*” indicates a mandatory requirement.

“*Should*” indicates a recommendation or that which is advised but not required.

605—7.3(29C) Local emergency management commission.

7.3(1) The county board of supervisors, city councils, and school district boards of directors in each county shall cooperate with the emergency management division to establish a local emergency management commission to carry out the provisions of Iowa Code chapter 29C.

a. The local commission shall be named the (county name) county emergency management commission.

b. The commission shall be comprised of the following members:

- (1) A member of the county board of supervisors or its appointed representative.
- (2) The county sheriff or the sheriff’s appointed representative.
- (3) The mayor or the mayor’s appointed representative from each city within the county.

c. The commission is a municipality as defined in Iowa Code section 670.1.

7.3(2) Local commission bylaws. The commission shall develop bylaws to specify, at a minimum, the following information:

- a.* The name of the commission.
- b.* The list of members.
- c.* The date for the commencement of operations.
- d.* The commission’s mission.
- e.* The commission’s powers and duties.
- f.* The manner for financing the commission and its activities and maintaining a budget therefor.
- g.* The manner for acquiring, holding and disposing of property.
- h.* The manner for electing or appointing officers and the terms of office.
- i.* The manner by which members may vote.
- j.* The manner for appointing, hiring, disciplining and terminating employees.
- k.* The rules for conducting meetings of the commission.
- l.* Any other necessary and proper rules or procedures.

The bylaws, as adopted, shall be signed by each member of the commission. The commission shall record the signed bylaws with the county recorder and shall forward a copy of the bylaws to the administrator of the state emergency management division.

7.3(3) Commission business. Commission business shall be conducted in compliance with Iowa Code chapter 21, “Official Meetings Open to Public,” and Iowa Code chapter 22, “Examination of Public Records.”

7.3(4) The commission shall have the following minimum duties and responsibilities:

a. Administration and finance.

(1) Establish and maintain an agency responsible for the local emergency management program. The primary responsibility of this agency is to develop and maintain a comprehensive emergency management capability in cooperation with other governmental agencies, volunteer organizations, and private sector organizations. The name of this agency shall be the (county name) county emergency management agency.

(2) Determine the mission of the agency and its program.

(3) Develop and adopt a budget in accordance with the provisions of Iowa Code chapter 24 and Iowa Code section 29C.17 in support of the commission and its programs. The commission shall be the fiscal authority and the chairperson or vice chairperson shall be the certifying official for the budget.

(4) Appoint an emergency management coordinator who meets the qualifications established in subrule 7.4(3).

(5) Develop and adopt policies defining the rights and liabilities of commission employees, emergency workers and volunteers.

(6) Provide direction for the delivery of the emergency management services of planning, administration, coordination, training, exercising, and support for local governments and their departments.

(7) Coordinate emergency management activities and services among county and city governments and the private sector agencies within the county.

b. Hazard identification, risk assessment, and capability assessment.

(1) The commission should continually identify credible hazards that may affect their jurisdiction, the likelihood of occurrence, and the vulnerability of the jurisdiction to such hazards. Hazards to be considered should include natural, technological, and human-caused.

(2) The commission should conduct an analysis to determine the consequences and impact of identified hazards on the health and safety of the public, the health and safety of responders, property and infrastructure, critical and essential facilities, public services, the environment, the economy of the jurisdiction, and government operations and obligations.

(3) The hazard analysis should include identification of vital personnel, systems, operations, equipment, and facilities at risk.

(4) The commission should identify mitigation and preparedness considerations based upon the hazard analysis.

(5) A comprehensive assessment of the emergency management program elements should be conducted periodically to determine the operational capability and readiness of the jurisdiction to address the identified hazards and risks.

c. Resource management.

(1) The commission should develop a method to effectively identify, acquire, distribute, account for, and utilize resources essential to emergency functions.

(2) The commission shall utilize, to the maximum extent practicable, the services, equipment, supplies and facilities of the political subdivisions that are members of the commission.

(3) The commission should identify resource shortfalls and develop the steps and procedures necessary to overcome such shortfalls.

(4) The commission shall, in collaboration with other public and private agencies within this state, develop written mutual aid agreements. Such agreements shall provide reciprocal disaster services and recovery aid and assistance in case of disaster too great to be dealt with by the jurisdiction unassisted. Mutual aid agreements shall be in compliance with the appropriate requirements contained in Iowa Code chapter 28E.

d. Planning.

(1) The commission shall develop comprehensive countywide emergency operations plans which are multihazard and multifunctional in nature and which shall include, but not be limited to, a part “A” operations plan, part “B” mitigation plan, and part “C” recovery plan that may be contained in a single document or multiple documents.

1. An operations plan assigns responsibilities to organizations and individuals for carrying out specific actions at projected times and places in an emergency or disaster.

2. The mitigation plan shall establish interim and long-term strategies to eliminate hazards or to reduce the impact of those hazards that cannot be eliminated. This requirement notwithstanding, to qualify for federal funding for mitigation assistance, the eligible applicant must comply with the mitigation planning requirements set forth in 44 CFR 206, Subpart M, and the Iowa Hazard Mitigation Grant Program Administrative Plan, as appropriate.

3. A recovery plan shall identify the short-term and long-term strategic priorities, processes, vital resources, and acceptable time frames and procedures for restoration.

(2) Plans shall contain the following common elements.

1. The functional roles and responsibilities of internal and external agencies, organizations, departments, and individuals during mitigation, preparedness, response and recovery shall be identified.

2. Lines of authority for those agencies, organizations, departments, and individuals shall be established and identified.

(3) Plans shall be regularly reviewed and amended as appropriate in accordance with schedules established by the commission, to include at a minimum:

1. A complete review, and amendment as appropriate, of the operations plan at a minimum of every five years. However, a review, and amendment as appropriate, of the hazardous materials portion of the plan shall be conducted on a yearly basis.

2. A complete review, and amendment as appropriate, of the mitigation plan at a minimum of every five years and in conjunction with any presidentially declared disaster for which mitigation assistance is requested.

3. A complete review, and amendment as appropriate, of the recovery plan at a minimum of every five years and in conjunction with any presidentially declared disaster for which individual or public assistance is requested.

(4) In addition to the standards heretofore established in paragraph 7.3(4) “*d.*,” the operations plan shall include provisions for damage assessment.

(5) Hazardous materials plans shall meet the minimum requirements of federal law, 42 U.S.C., Sec. 11003.

(6) Counties designated as risk or host counties for a nuclear facility emergency planning zone shall meet the standards and requirements as published by the United States Nuclear Regulatory Commission and the Federal Emergency Management Agency in NUREG-0654, FEMA-REP-1, Rev. 1, March 1987.

(7) Required plans, submitted for approval to the division by a local or joint emergency management commission, shall be reviewed within 60 calendar days from the receipt of the plan. The division shall notify the local emergency management coordinator in writing of the approval or nonapproval of the plan. If the plan is not approved, the division shall state the specific standard or standards that are not being met and offer guidance on how the plan may be brought into compliance.

(8) A comprehensive countywide emergency operations plan shall not be considered approved by the emergency management division as required in Iowa Code subsection 29C.9(8) unless such plan adheres to and meets the minimum standards as established in subrule 7.3(4), paragraph “*d.*”

(9) Iowa Code section 29C.6 provides that state participation in funding financial assistance in a presidentially declared disaster is contingent upon the local government's having on file a state-approved, comprehensive, countywide plan as provided in Iowa Code subsection 29C.9(8). Required plans must be received and approved by the division by the time the first public or private, nonprofit entity within the county otherwise becomes eligible to receive state assistance or within one year from the date of presidential declaration, whichever is earlier.

e. Direction, control and coordination.

(1) The commission shall execute and enforce the orders or rules made by the governor, or under the governor's authority.

(2) The commission shall establish and maintain the capability to effectively direct, control and coordinate emergency and disaster response and recovery efforts.

(3) The commission shall establish a means of interfacing on-scene management with direction and control personnel and facilities.

(4) The commission should actively support use of the Incident Command System (ICS) model by all emergency and disaster response agencies within the jurisdiction.

f. Damage assessment.

(1) The commission shall develop and maintain a damage assessment capability consistent with local, state and federal requirements and shall designate individuals responsible for the function of damage assessment.

(2) Individuals identified by the commission to perform the function of damage assessment shall be trained through a course of instruction approved by the division.

g. Communications and warning.

(1) The commission should identify a means of disseminating a warning to the public, key officials, emergency response personnel and those other persons within the jurisdiction that may be potentially affected.

(2) The commission should identify the primary and secondary means of communications to support direction, control, and coordination of emergency management activities.

h. Operations and procedures. The commission should encourage public and private agencies, having defined responsibilities in the countywide emergency operations plan, to develop standard operating procedures, policies, and directives in support of the plan.

i. Training.

(1) The commission shall require the local emergency management coordinator to meet the minimum training requirements as established by the division and identified in subrule 7.4(4).

(2) The commission should, in conjunction with the local emergency management coordinator, arrange for and actively support ongoing emergency management related training for local public officials, emergency responders, volunteers, and support staff.

(3) Persons responsible for emergency plan development or implementation should receive training specific to, or related to, hazards identified in the local hazard analysis.

(4) The commission should encourage individuals, other than the emergency management coordinator, with emergency management responsibilities as defined in the countywide emergency operations plan, to complete, within two years of appointment, training consistent with their emergency management responsibilities.

(5) The commission should encourage all individuals with emergency management responsibilities to maintain current and adequate training consistent with their responsibilities.

j. Exercises.

(1) The commission shall ensure that exercise activities are conducted annually in accordance with local, state and federal requirements.

(2) Exercise activities should follow a progressive five-year plan that is designed to meet the needs of the jurisdiction.

(3) Local entities assigned to an exercise should actively participate and support the role of the entity in the exercise.

(4) Local entities assigned to an exercise should actively participate in the design, development, implementation, and evaluation of the exercise activity.

k. Public education and information.

(1) The commission should designate the individual or individuals who are responsible for public education and information functions.

(2) The commission should ensure a public information capability, to include:

1. Designated public information personnel trained to meet local requirements.
2. A system of receiving and disseminating emergency public information.
3. A method to develop, coordinate, and authorize the release of information.
4. The capability to communicate with special needs populations.

(3) The commission should actively support the development of capabilities to electronically collect, compile, report, receive, and transmit emergency public information.

7.3(5) Two or more commissions. Two or more local commissions may, upon review by the state administrator and with the approval of their respective boards of supervisors and cities, enter into agreements pursuant to Iowa Code chapter 28E for the joint coordination and administration of emergency management services throughout the multicounty area.

605—7.4(29C) Emergency management coordinator.

7.4(1) Each county emergency management commission or joint commission shall appoint an emergency management coordinator who shall serve at the pleasure of the commission. The commission shall delegate to the emergency management coordinator the authority to fulfill the commission's and coordinator's duties as provided in Iowa Code sections 29C.9 and 29C.10, as further described in subrule 7.3(4), and as otherwise assigned and authorized by the commission.

7.4(2) Political activity.

a. A member of a local or joint commission shall not be appointed as the emergency management coordinator.

b. An individual serving in a full-time or part-time governmental position incompatible with the position of coordinator shall not be appointed as the emergency management coordinator.

c. Any employee of an organization for emergency management shall not become a candidate for any partisan elective office. However, the employee is not precluded from holding any nonpartisan elective office for which no pay or only token payment is received.

7.4(3) Emergency management coordinator qualifications. Each person appointed after July 1, 1990, as an emergency management coordinator shall meet the following requirements with regard to education, abilities, experience, knowledge and skills:

a. Demonstrate a knowledge of local, state, and federal laws and regulations pertaining to emergency management.

b. Demonstrate an understanding of communications systems, frequencies, and equipment capabilities.

c. Demonstrate a knowledge of basic accounting principles and practices.

d. Express oneself clearly and concisely, both orally and in writing.

- e.* Establish and maintain effective working relationships with employees, public officials, and the general public.
- f.* Prepare accurate reports.
- g.* Write plans, direct the use of resources, and coordinate emergency operations under extraordinary circumstances.
- h.* Exercise good judgment in evaluating situations and making decisions.
- i.* Coordinate with agencies at all levels of government.
- j.* Have graduated from an accredited four-year college or university and have two years of responsible experience in emergency management, public or business administration, public relations, military preparedness or related work; or have an equivalent combination of experience and education, substituting 30 semester hours of graduate study for each year of the required work experience to a maximum of two years; or have an equivalent combination of experience and education, substituting one year of experience in the aforementioned areas for each year of college to a maximum of four years; or be an employee with current continuous experience in the state classified service that includes the equivalent of 18 months of full-time experience as an emergency management operations officer; or be an employee with current continuous experience in the state classified service that includes the equivalent of 36 months of full-time experience as a local emergency management assistant.

7.4(4) Emergency management coordinator continuing education requirements. Each local coordinator shall meet the following educational development requirements. The administrator may extend the time frame for meeting these continuing education requirements upon request from the local or joint commission.

a. By July 1, 2002, or within five years of appointment as an emergency management coordinator, whichever is later, completion of the following independent study courses:

- (1) Citizens Guide to Disaster Assistance.
- (2) Emergency Operations Center Role in Community Preparedness Response and Recovery Operations.
- (3) Emergency Program Manager: An Orientation to the Position.
- (4) Emergency Preparedness U.S.A.
- (5) Hazardous Materials: A Citizen's Guide.
- (6) An Orientation to Community Disaster Exercise.
- (7) The Professional in Emergency Management.
- (8) Radiological Emergency Management.
- (9) Introduction to Hazard Mitigation.
- (10) Basic Incident Command System.

b. By July 1, 2002, or within five years of appointment as an emergency management coordinator, whichever is later, completion of the professional development series of courses as prescribed by the Federal Emergency Management Agency.

c. Upon completion of the requirements established in subrule 7.4(4), paragraphs "a" and "b," annual completion of a minimum of 24 hours of state-approved emergency management training.

d. The local emergency management coordinator must document completion of courses by submitting a copy of the certificate of completion, a letter indicating satisfactory completion, or other appropriate documentation.

605—7.5(29C) Local commission or joint commission personnel.

7.5(1) Personnel for the local commission or joint commission shall be considered as employees of that local commission to include the coordinator, operations officers, and emergency management assistants.

7.5(2) The local or joint commission shall determine the personnel policies of the agency to include holidays, rate of pay, sick leave, vacation, and health benefits. The local commission may adopt existing county or city policies in lieu of writing their own policies.

605—7.6(29C) Damage assessment and financial assistance for disaster recovery. Disaster-related expenditures and damages incurred by local governments, private nonprofit entities, individuals, and businesses may be reimbursable and covered under certain state and federal disaster assistance programs. Preliminary damage assessments shall be provided to the emergency management division prior to the governor's making a determination that the magnitude and impact are sufficient to warrant a request for a presidential disaster declaration.

7.6(1) *Local preliminary damage assessment and impact statement.* The county emergency management coordinator shall be responsible for the coordination and collection of damage assessment and impact statement information immediately following a disaster that affects the county or any municipality within the county.

7.6(2) *Damage assessment guidance and forms to be provided.* The state emergency management division will provide guidance regarding the methodologies to be used in collecting damage assessment and impact statement information and shall provide the forms and format by which this information shall be recorded.

7.6(3) *Joint preliminary damage assessment.* Once the governor has determined that a request for a presidential disaster declaration is appropriate, joint preliminary damage assessment teams, consisting of local, state, and federal inspectors, will assess the uninsured damages and costs incurred or to be incurred in responding to and recovering from the disaster. All affected city, municipality, or county governments shall be required to provide assistance to the joint preliminary damage assessment teams for conducting damage assessments. The jurisdiction may be required to develop maps to show the damaged areas and to compile lists of names and telephone numbers of individuals, businesses, private nonprofit entities, and governmental agencies sustaining disaster response and recovery costs or damages. This joint preliminary damage assessment may be required before the request for presidential declaration is formally transmitted to the Federal Emergency Management Agency.

7.6(4) *Public assistance and hazard mitigation briefing.* In the event that a presidential disaster declaration is received, affected jurisdictions and eligible private nonprofit entities should be prepared to attend a public assistance and hazard mitigation briefing to acquire the information and documents necessary to make their formal applications for public and hazard mitigation assistance. Failure to comply with the deadlines for making application for public and mitigation assistance as established in 44 CFR Part 206 and the Stafford Act (PL 923-288) may jeopardize or eliminate the jurisdiction's or private nonprofit entity's ability to receive assistance.

7.6(5) *Forfeiture of assistance funding.* Failure to provide timely and accurate damage assessment and impact statement information may jeopardize or eliminate an applicant's ability to receive federal and state disaster assistance funds that may otherwise be available.

State participation in funding of disaster financial assistance in a presidentially declared disaster shall be contingent upon the local or joint emergency management commission's having on file a state-approved, comprehensive, countywide emergency operations plan which meets the standards as provided in subrule 7.3(4), paragraph "d."

605—7.7(29C) Emergency management performance grant program. Emergency management is a joint responsibility of the federal government, the states, and their political subdivisions. Emergency management means all those activities and measures designed or undertaken to mitigate against, prepare for, respond to, or recover from the effects of a human-caused, technological, or natural hazard. The purpose of the emergency management performance grant program is to provide the necessary assistance to local governments to ensure that a comprehensive emergency preparedness system exists for all hazards.

7.7(1) *Eligibility.* Local or joint emergency management commissions may be eligible for funding under the state and emergency management performance grant program by meeting the requirements, conditions, duties and responsibilities for emergency management commissions and county emergency management coordinators established in rules 7.3(29C) and 7.4(29C). In addition, the local commission shall ensure that the coordinator works an average of 20 hours per week or more toward the emergency management effort. Joint commissions shall ensure that the coordinator works an average of 40 hours per week toward the emergency management effort.

7.7(2) *Application for funding.* Local or joint commissions may apply for funding under the emergency management performance grant program by entering into an agreement with the division and by completing the necessary application and forms, as published and distributed yearly to each commission by the division.

7.7(3) *Allocation and distribution of funds.* The emergency management division shall allocate funds to eligible local or joint commissions within 45 days of receipt of notice from the Federal Emergency Management Agency that such funds are available. The division shall use a formula for the allocation of funds based upon the number of eligible applicants, the coordinator's salary and benefits and an equal distribution of remaining funds, not to exceed an individual applicant's request. Funds will be reimbursed to local and joint commissions on a federal fiscal year, quarterly basis; and such reimbursement will be based on eligible claims made against the local or joint commission's allocation. In no case will the allocation or reimbursement of funds be greater than one-half of the total cost of eligible emergency management related expenses.

7.7(4) *Compliance.* The administrator may withhold or recover emergency management performance grant funds from any local or joint commission for its failure or its coordinator's failure to meet any of the following conditions:

- a. Appoint a qualified coordinator.
- b. Comply with continuing education requirements.
- c. Adopt a comprehensive countywide emergency operations plan that meets current standards.
- d. Determine the mission of its agency.
- e. Show continuing progress in fulfilling the commission's duties and obligations.
- f. Conduct commission business according to the guidelines and rules established in this chapter.
- g. Enter into and file a cooperative agreement with the division by the stipulated filing date.
- h. Abide by state and federal regulations governing the proper disbursement and accountability for federal funds, equal employment opportunity and merit system standards.
- i. Accomplish work specified in one or more program areas, as agreed upon in the cooperative agreement, or applicable state or federal rule or statute.
- j. Provide the required matching financial contribution.
- k. Expend funds for authorized purposes or in accordance with applicable laws, regulations, terms and conditions.
- l. Respond to, or cooperate with, state efforts to determine the extent and nature of compliance with the cooperative agreement.

7.7(5) *Serious nonperformance problems.* If a local or joint commission cannot demonstrate achievement of agreed-upon work products, the division is empowered to withhold reimbursement or to recover funds from the local or joint commission. Corrective action procedures are designed to focus the commission's attention on nonperformance problems and to bring about compliance with the cooperative agreement. Corrective action procedures, which could lead to sanction, may be enacted as soon as the administrator becomes aware of serious nonperformance or noncompliance. This realization may arise from staff visits or other contacts with the local agency or commission, from indications in the commission's or coordinator's quarterly report that indicate a significant shortfall from planned accomplishments, or from the commission's or coordinator's failure to report. Financial sanctions are to be applied only after corrective action remedies fail to result in accomplishment of agreed-upon work product.

7.7(6) Corrective actions.

a. Informal corrective action. As a first and basic step to correcting nonperformance, a designated member of the state emergency management division staff will visit, call or write the local coordinator to determine the reason for nonperformance and seek an agreeable resolution.

b. Formal corrective action. On those occasions when there is considerable discrepancy between agreed-upon and actual performance and response to informal corrective action is not sufficient or agreeable, the division will take the following steps:

(1) Emergency management staff will review the scope of work, as agreed to in the cooperative agreement, to determine the extent of nonperformance. To focus attention on the total nonperformance issue, all instances of nonperformance will be addressed together in a single correspondence to the local or joint commission.

(2) The administrator will prepare a letter to the local or joint commission which will contain, at a minimum, the following information:

1. The reasons why the division believes the local or joint commission may be in noncompliance, including the specified provisions in question.

2. A description of the efforts made by the division to resolve the matter and the reasons these efforts were unsuccessful.

3. A declaration of the local or joint commission's commitment to accomplishing the work agreed upon and specified in the comprehensive cooperative agreement and its importance to the emergency management capability of the local jurisdiction.

4. A description of the exact actions or alternative actions required of the local or joint commission to bring the problem to an agreed resolution.

5. A statement that this letter constitutes the final no-penalty effort to achieve a resolution and that financial sanctions provided for in these rules will be undertaken if a satisfactory response is not received by the division within 30 days.

7.7(7) Financial sanctions. If the corrective actions heretofore described fail to produce a satisfactory resolution to cases of serious nonperformance, the administrator may invoke the following financial sanction procedures:

a. Send a "Notice of Intention to Withhold Payment" to the chairperson of the local or joint commission. This notice shall also contain notice of a reasonable time and place for a hearing, should the local or joint commission request a hearing before the administrator.

b. Any request by a local or joint commission for a hearing must be made in writing, to the division, within 15 days of receipt of the notice of intention to withhold payment.

c. Any hearing under the notice of intention to withhold payment shall be held before the administrator. However, the administrator may designate an administrative law judge to take evidence and certify to the administrator the entire record, including findings and recommended actions.

d. The local or joint commission shall be given full opportunity to present its position orally and in writing.

e. If, after a hearing, the administrator finds sufficient evidence that the local or joint commission has violated established rules and regulations or the terms and conditions of the cooperative agreement, the administrator may withhold such contributions and payments as may be considered advisable, until the failure to expend funds in accordance with said rules, regulations, terms and conditions has been corrected or the administrator is satisfied that there will no longer be any such failure.

f. If upon the expiration of the 15-day period stated for a hearing, a hearing has not been requested, the administrator may issue the findings and take appropriate action as described in the preceding paragraph.

g. If the administrator finds there is serious nonperformance by the commission or its coordinator and issues an order to withhold payments to the local or joint commission as described in this rule, the commission shall not receive funds under the emergency management performance grant program for the remainder of the federal fiscal year in which the order is issued and one additional year or until such time that all issues of nonperformance have been agreeably addressed by the division and the commission.

h. Any emergency management performance grant program funds withheld or recovered by the division as a result of this process shall be reallocated at the end of the federal fiscal year to the remaining participating counties.

These rules are intended to implement Iowa Code sections 29C.6 and 29C.8.

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Minimum Staffing Recommendations for County Emergency Management Agencies

County Population	EMA Recommendation
0 – 25K	1 full-time EMA Coordinator
25K – 50K	1 full-time EMA Coordinator 1 Admin Assistant
50K – 75K	1 full-time EMA Coordinator 1 Admin Asst, 1 Operation Officer
75K – 100K	1 full-time EMA Coordinator 1 Admin Asst, 1 Ops Off, 1 Planner
100K- 125K	1 full-time EMA Coordinator 1 Admin Asst, 1 Ops Off, 1 Plans, 1 Logistics
125K- 150K	1 full-time EMA Coordinator 1 Admin Asst, 2 Ops Off, 1 Plans, 1 Logistics
150K – 200K	1 full-time EMA Coordinator 1 Admin Asst, 2 Ops Off, 1 Plans, 1 Logistics, 1 Deputy EMA Coordinator

Guidelines as adopted by the Iowa Emergency Management Association



Emergency Management in Iowa

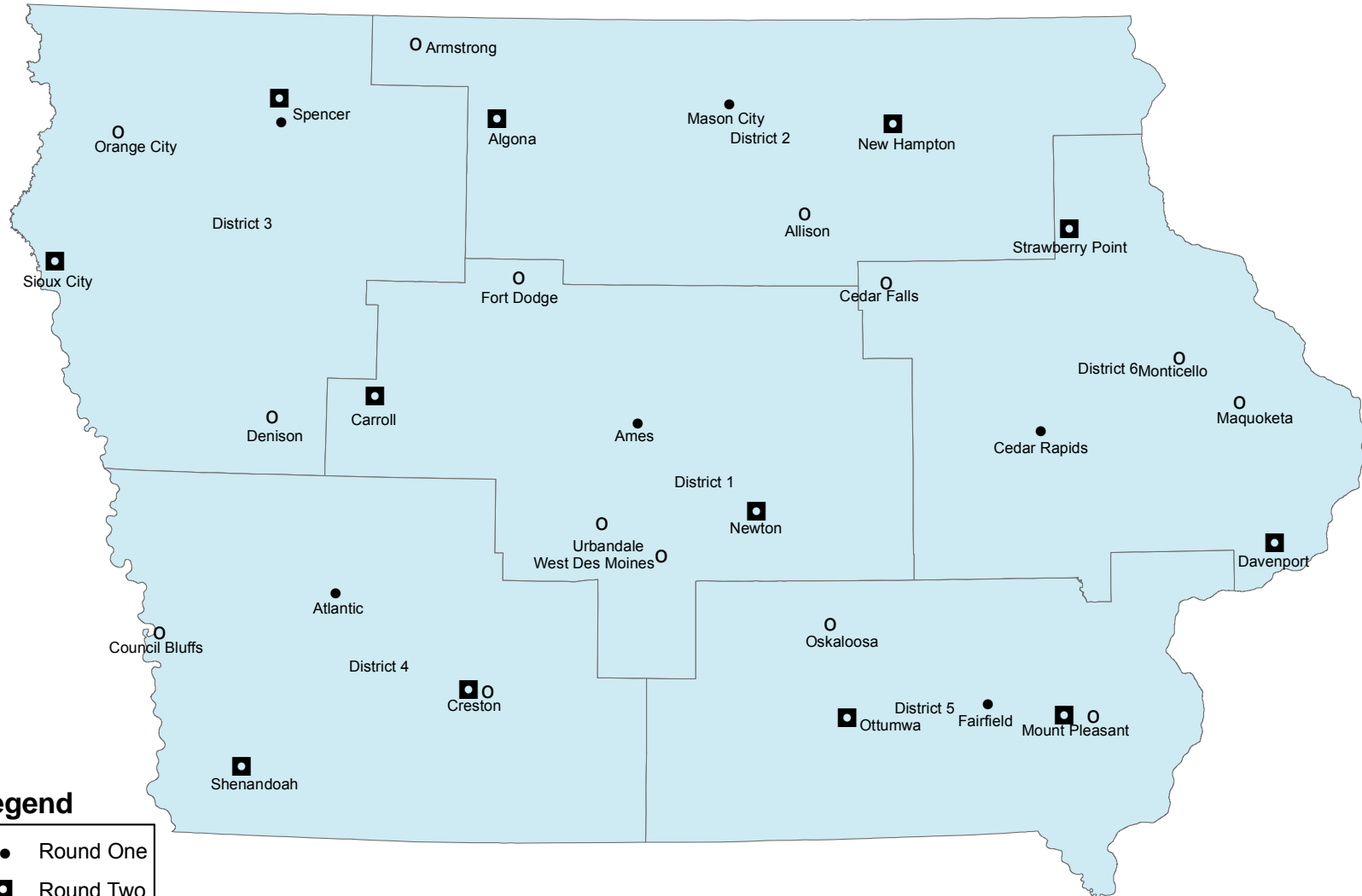
Emergency Management programs in Iowa vary greatly from county to county. Agencies range from having a part time coordinator to a full time coordinator with a staff of 5 or 6. The position sometimes wears many hats with a wide range of responsibilities.

EMERGENCY MANAGEMENT COMMISSON REQUIREMENTS:

- [] Each County must appoint an Emergency Management Coordinator (Iowa Code 29C.10)
- [] Emergency Management Coordinator must meet specific qualifications (Iowa Administrative Rule 605 Chapter 7.4(3))
- [] Compliant County-wide Multi Hazard Emergency Operations plan + routine review/updates. (Iowa Code 29C.8)
- [] County –wide Mitigation Strategy based on city and county mitigation plans + routine review/updates (Iowa Administrative Rule 605 Chapter 7.3(4).d)
- [] Hazard identification, risk assessment, and capability assessment (Iowa Administrative Rule 605 Chapter 7.3(4)b.)
- [] Recourse Management (Iowa Administrative Rule 605 Chapter 7.3(4) c.)
- [] Direction and Control (Incident Management System) – (Iowa Administrative Rule 605 Chapter 7.3(4)e.)
- [] Damage Assessment (Iowa Administrative Rule 605 Chapter 7.3(4) .f)
- [] County-wide Recovery Plan + routine review/updates (Iowa Administrative Rule 605 Chapter 7.3(4)d)
- [] Within 5 years of appointment, coordinator must complete the Professional Development Series of FEMA courses followed with a minimum of 24 hours training per year for the coordinator. (Iowa Administrative Rule 605 Chapter 7.3(4)i.)
- [] A 5 year exercise plan to test all plan annexes. (Iowa Administrative Rule 605 Chapter 7.3(4)j.)
- [] Every county must have a county level or participate in a regional Local Emergency Planning Committee, which addresses hazardous materials planning, training, and exercise. (Iowa Administrative Rule 605 Chapter 7.3(4)d(6))
- [] Mutual Aid arrangements (Iowa Code 29C.11) – counties may want to consider the new Iowa Mutual Aid Compact

Disaster Preparedness * Response * Recovery * Mitigation

The Study of the Structure of Emergency Management Focus Groups and Outreach Meetings



Legend

- Round One
- Round Two
- ICN Sites
- IEMA Dist.

Options to Address the Three Policy Issues Suggested in Outreach Meetings

Study of the Structure of Emergency Management

Funding	Governance	Authority
1. Current options – status quo	1. Commission – status quo	1. No taxing authority
2. Local option sales tax	2. Expand to include public health	2. EMA has taxing authority
3. Fee for use	3. Expand to include school districts	3. Enforce prohibition of Board of Supervisor line-item veto of EMA budget
4. County-based tax levy	4. Expand to include other partners, e.g. DNR, veterinarians	4. Board of Supervisors has authority
5. Current options plus changing “may” to “shall” in Code	5. Commission as is; add operational group of all partners	5. No taxing authority mandated in code, option by referendum
6. State mandate which option will be used to fund local EMA	6. Informed and involved policy level people	
7. State funding: general appropriation	7. Board of Supervisors with EMA as a county department	
8. State taxes on per capita basis like schools	8. Multi-county structure	
9. New state public safety tax approved locally		
10. Federal funding expanded		
11. Insurance tie-in		
12. Current options plus taxing authority for Commission plus changing “may” to “shall”		
13. Surcharge on insurance policies		
14. Permitting Fee		
15. State-level tax per capita by number of people		
16. Emergency Management operational carryover limit		

Study of the structure of Emergency Management

Feedback on
Recommendations

November 2005

Outreach Summary

Six multi-discipline focus groups and eight stakeholder community forums were held in late October and early November 2005 to provide specific suggestions, comments, and ideas to the Study of the Structure of Emergency Management Advisory Committee. The Committee, in cooperation with the Iowa Emergency Management Association (IEMA) Executive Board, developed a set of recommendations to address the concerns about governance, authority, and funding of local emergency management agencies and their programs. This summary report provides the Advisory Committee with feedback important to their continuing work in examination of local emergency management structure.

Methodology

Focus groups and community forums are designed to achieve different goals. The focus groups sought to bring together a small group of individuals balanced among the active disciplines to respond to questions about specific elements of the preliminary recommendations drafted by the Advisory Committee. Community forums, on the other hand, are intended to provide a venue for any and all emergency management stakeholders to learn about the study and preliminary recommendations and to provide feedback and comment.

The six focus groups provided qualitative research data which include real experiences and first-hand comments of primary stakeholders in local emergency management. This was an opportunity for people from many disciplines with a role in local emergency management to hear the recommendation of their peers on the Advisory Committee and add to the frame of reference regarding the issues. Invitees represented emergency management coordinators (EMCs), boards of supervisors, mayors, sheriffs, police, fire, public health, public works, emergency medical services (EMS), and hazardous materials teams (HazMat).

Community forums were held in the same communities as the focus groups. In addition, two sessions were offered via ICN, with two ICN sites available per IEMA region at each time. ICN sites were offered in locations distant from the in-person forums to ensure maximum opportunity for participation. The range of stakeholders invited to the focus groups was also targeted for the community forums. In addition, state legislators were invited to attend the forums.

Towns were selected upon recommendation of the IEMA District Representative on the Executive Board, and sites were arranged through them. IEMA agreed to assist in publicizing the meetings and boosting turnout.

Two-hour focus groups were held from 3:00 – 5:00 pm. Ninety-minute community forums were held from 6:30 – 8:00 pm. Community forums were hosted by a panel including the IEMA district representative and one or two Advisory Committee members.

State Public Policy Group (SPPG) arranged and facilitated the focus groups and community forums. A note-taker was present to record the essence of the comments offered in response to the questions. While participants were asked to sign in, comments captured during the sessions were nonattributable.

Invitations to the focus groups were issued through a letter mailed to 40 randomly-selected stakeholders from each IEMA district who represented every county and every stakeholder group. Attendance of 8 – 10 was sought at each focus group.

Community forums were promoted in a variety of ways, relying primarily on electronic dissemination of the information. The IEMA Executive Board indicated that the EMCs would promote attendance at the community forums in their counties and districts to be sure participation was at an acceptable level. SPPG also directly disseminated the invitation to statewide associations and issued media releases in and surrounding the counties in which the meetings were held. The Iowa State Association of Counties and the Iowa League of Municipalities assisted SPPG in disseminating the invitation information through their web sites.

Attendance and Locations

Desired attendance at each focus group was eight to ten individuals, which allows adequate opportunities for follow up questions and to cover the necessary topics. Community forum attendance was not limited and attendance was broadly encouraged. Attendance at each session is as follows.

<i>Date</i>	<i>District</i>	<i>Focus Group</i>	<i>Community Forum</i>
11/9/2005	District 1, Ames	4	20
11/3/2005	District 2, Mason City	11	28
11/4/2005	District 3, Spencer	7	12
10/27/2005	District 4, Atlantic	11	8
10/25/2005	District 5, Fairfield	8	11
11/1/2005	District 6, Cedar Rapids	11	38
11/8/2005	ICN Session	N/A	2
11/10/2005	ICN Session	N/A	8
	Totals	52	127

Findings

The level of awareness and knowledge of the structure and funding of local emergency management varied greatly among participants in the focus groups and the community forums. That Iowa Code and Rules are not consistently followed was a surprise to many.

Participants in the focus groups represented the full range of stakeholders from public health to public works. In these groups there was ample opportunity to hear from various perspectives and for those stakeholders to hear and learn from other disciplines.

Participants in the community forums were more likely to represent county emergency management coordinators, county supervisors, and sheriffs. Additional participants, in fewer numbers, included fire, police, mayors/city council, public health, and public works.

General Comments

It is commonly believed that emergency management is considerably more known and understood by the public than in the past, but much work is yet to be done for the public and

some policymakers to appreciate the value of local emergency management. Though a good deal of attention was brought to emergency management by hurricanes Katrina, Rita, and Wilma, understanding of the year-round work and responsibilities is largely lacking in the public.

Participating stakeholders represent various elements of local government. They understand the overall budget constraints facing cities and counties; many of their own organizations are required to do more with less each year. There was acknowledgement that local emergency management is forced to operate on limited funds, but many noted that this situation was not unlike many other disciplines. With a public expectation to hold taxes in line, increasing local funding targeted for local emergency management would need to be carefully examined in each county.

While not an overwhelming sentiment, a noticeable number of participants wondered if the recommendations, which exclusively seek to increase funding in a variety of ways, would be taken seriously as credible solutions to issues other than funding. An observed offered, in essence, that to one not involved this might sound like “those emergency managers getting together and whining again.” This potential misperception adds strength to the need for awareness and a public/policymaker information effort so a more thorough understanding of recommended solutions can impact the full range of issues.

General discussion of the state and local political environment illustrated doubts that broad policy change could politically be successful at this time. Comments underscored the Advisory Group’s expectation that any policy change would require a grassroots process and a three-to-five year time frame. At the same time, there was general support for working to solve the issues raised in this study.

Participants often voiced strongly-held beliefs that guided their comments overall. While not universally held, one or both was consistently heard in each session by some or a majority of participants:

- Local control remains important, including for local emergency management. For some, this extends to complete distrust of state or federal government to the extent that funds from those sources are not considered desirable.
- Resentment and frustration continue to prevail surrounding the emergency management and homeland security requirements continually passed down to the local level from the state and federal governments. As unfunded mandates, these additional responsibilities are overwhelming local emergency management staff.

Finally, there was near-unanimous agreement that each county needs an Emergency Management Coordinator (EMC) in order to comply with the state and federal requirements and to implement local priority initiatives. Regionalization will not work with local emergency management because of its dependence on geographic coverage and maintaining relationships throughout the county. Creating a “region” of multiple counties with one coordinator would ultimately create an additional layer of local government because of the need for comprehensive and real-time coverage of all parts of every county.

Feedback on Recommendations

The purpose of this second set of outreach meetings was to gather comment and ideas from stakeholders across Iowa about the potential benefit and feasibility of the set of preliminary

recommendations developed by the Advisory Committee. This section presents the most prevalent views expressed about each recommendation and identifies some remaining questions that need to be addressed as the Advisory Committee reviews and reframes recommendations.

1. **Funding** – Change Iowa Code in the following ways:

- a. Change Section 29C.17 so "...the county emergency management agency's approved budget SHALL be funded by one or any combination of the following options..."
 - The clear majority of participants agreed with this recommendation.
 - Only a few disagreed, citing reasons such as funding constraints or local political impacts.
 - No additional questions about this recommendation remain.
 - Comments:
 - I've been a proponent of SHALL. I have two towns who pay about half of their assessments but they receive most of the benefits.
 - We have 11,000 people, 16 fire departments, etc. Coordination is the key, But I don't like the SHALL.
 - I think it would definitely help the organization to let them know that they do have a way to fund the organization and to give them some options on funding.
 - The SHALL is very important. It creates a new level of responsibility for commission members to participate.
 - When the words are changed from MAY to SHALL this will be an important positive change. Many Emergency Management Agencies were and are operating on a shoestring budget. Proper funding and governance will increase the visibility and highlight the importance of this agency to the community.
 - We are an extremely conservative area and I would say that I'm all for the SHALL but I can see conservative people say it's above the mandate. I've got some good old boys down there who do not want to pay.
- b. Include taxing authority for the Commission among the funding options in Section 29C.17. Keep the existing four funding options as they currently read in the Code.
 - The majority of participants agreed that taxing authority should be an option for funding local emergency management.
 - Some believe the taxing authority should be created at the legislative level for all counties to provide consistency in the funding mechanism.
 - While many agreed taxing authority for the Commission should be established at the local level through referendum, some did not foresee this option being successful in their counties.
 - Remaining questions:
 - Minimum and/or maximum millage rates allowed for emergency management tax.
 - Comments:
 - I think the responsibility should be at the local level and be funded at the local level. I would be in favor of the 5th option.
 - How about a minimum level of funding? Is there a way to set a per capita minimum?
 - I like that option because the personality in every county is different. If none of the other options work, this should be an option.

- My people say it needs to be taxed separately because everyone pays into it anyway. If you live in the city, you pay twice with a city tax and a county tax.
 - If we can't even get 911, than nobody is going to want to fund this.
 - My perspective is that the focus needs to be on the counties that aren't doing anything. I would still advocate that the legislature set a millage rate for all counties to get funds flowing in specifically for emergency management.
- c. Require a general state appropriation specifically for local Emergency Management Agency support on an annual basis.
- Many thought this was a nice idea but unrealistic, at least for several years.
 - The risk of becoming dependent on state appropriations is high, and those funds would be likely to ultimately dry up.
 - Some rejected the idea of accepting state funds of any sort because they did not want to have to comply with accompanying "strings." Others did not trust the state government.
 - Pursuit of state appropriation is a good idea that will require an ongoing advocacy effort.
 - Remaining questions:
 - How a state appropriation would be distributed to the counties; formula.
 - Whether the state agency would keep a percentage for administration.
 - Whether to provide each county with a base funding amount for the emergency management agency.
 - Comments:
 - I don't think this idea should be dropped, but I don't think it will happen.
 - It's more politically acceptable because it's taxation with representation.
 - Our public is not in pain so they will not demand it.
 - They need to step up to the plate and they will find a funding source.
 - It needs to be at the local level, not state level.
 - If it gets to the local person – great! But there are millions of dollars that come through the state as it is that don't make it through to the locals.
 - Commissions receive new requirements from the state, so the state should have a responsibility to provide some funding. The recommendations on funding allow enough options for local flexibility.
- d. Impose a state-level per capita "emergency management tax" based on the number of exemptions claimed on Iowa income taxes. These funds would be returned to the counties for support of local Emergency Management Agencies.
- The per capita state tax received very mixed responses. Some liked it; some did not. Some believed the state agency and/or the legislature would not support this idea.
 - Many felt if this recommendation were pursued, it would be unwise to also seek an insurance surcharge (item 1e below).
 - Remaining questions:
 - How these funds would be distributed back to counties.
 - Need for a review of the fairness of the basis for collection of this tax.
 - The amount of the tax.
 - Comments:
 - The state would take a cut of this.

- On the per capita, maybe there needs to be a formula to determine whether a county needs a full time Emergency Management Coordinator.
 - A per capita tax would help.
 - That is a fairer tax than putting the burden on property owners.
 - A per capita component is fine, but we definitely need a base formula.
 - You're asking too much from the taxpayers. It would be perceived as an unfair representation of people's ability to pay, especially if they have a large family.
- e. Fund a portion of local emergency management with a surcharge on insurance policies. Surcharge will be designated for mitigation and preparedness for local Emergency Management Agencies.
- This proposal received mixed reviews. Some were very favorable toward an insurance surcharge. Others did not feel it was viable enough to bring forward as a policy initiative.
 - Many felt if this recommendation were pursued, it would be unwise to also seek a state-level per capita tax (item 1d above).
 - Remaining questions:
 - How the surcharge procedures would work.
 - How funds collected would be allocated to the counties equitably.
 - Determination of the amount of the surcharge.
 - Designated use of the funds.
 - Review of other states' models or programs.
 - Comments:
 - It's unfortunate that it won't pass. We should, because emergency management is mitigation.
 - In Minnesota they did this, and it turned in to a very good standard, and such a nominal amount.
 - That would be a very anti-business approach.
 - This approach was used in Florida in response to Hurricane Andrew. As an insurance state, this is not likely to pass in Iowa.
 - If you explain it to everyone as \$5 per year, they do not think it's that bad. We say it's a local fire department charge. The insurance companies aren't happy with it, but I can live with it.
 - Insurance companies will lobby against this, and it will not be a reality.

2. Governance –

- a. No change is recommended to Iowa Code regarding the structure of the Emergency Management Commission.
- Most participants agree the proper Commission members are elected officials that have budgetary authority and can commit their jurisdiction financially.
 - Designees for mayors may skew the perspective of the Commission; some way needs to be identified to actively engage the elected officials, primarily mayors.
 - There was common belief that making the Commission a taxing authority would improve active participation and attendance by mayors, supervisors, and sheriffs and would reduce dependence on designees.
 - Counties should be in compliance with Iowa Code in this area.
 - Remaining questions:
 - How to motivate mayors to participate.

- Role of non-elected Commission members, especially first responders.
- Comments:
 - I think there is a little confusion. I wasn't really aware of how this Commission was set up so I had to dig out the Code, and I am a member of the Commission. Everyone assumes the EMC is a county employee, and a lot of the smaller cities think it's a Board of Supervisors problem.
 - I'm OK with that structure because it's pretty balanced. Everyone has one vote. I like that I represent all size of cities.
 - It needs to be elected officials. If not the mayor, it can be a city council person. A designee is fine, but it must be an elected, not appointed, official.
 - I feel we need to leave it alone because it is working the way it is, and people have voted for the representatives.
 - We have little participation from elected officials and little enthusiasm to strengthen the system. I don't really know enough to give a definite opinion on the structure.
 - Most of my members are designees, which impacts the decisions. Commission members have to accept the decisions made by designees.
- b. The Advisory Committee suggests the federal and state agencies enforce existing Code and Rules to ensure compliance.
 - Many were surprised that the Code and Rules were not being followed by some locals. They agreed that enforcement was appropriate, even when the impact is loss of funding for these counties.
- 3. **Authority** – Add taxing authority for the Commission to the funding options outlined in Section 29C.17. Taxing authority will be one of five options available to fund local Emergency Management Agencies.
 - There was consensus among participants that the Commission should retain its current level of authority to establish agency policies and procedures, hire and fire the EMC, develop a local program, and develop and approve an agency budget.
 - See item 1b above for information of comments regarding taxing authority as a fifth county funding option.
- 4. **Natural Relationships**

A fourth policy consideration was discussed as a proactive approach to potential legislative proposals. Noting that many counties currently work collaboratively and seek to increase the scope and depth of those relationships in a logical development of providing necessary services, the Iowa Legislature should provide incentives for county Emergency Management Agencies that form new or improve existing natural relationships to enhance emergency management systems. The outcomes of such a policy initiative might be increased efficiency of local services, movement toward larger service areas for specific services or systems, and progress toward implementation of the National Preparedness Goal, which requires increased shared local response for specific response capacities.

 - In general, participants appreciated this approach to working more effectively and efficiently when compared with creating artificial boundaries for state-mandated regions.

- Emergency Management Coordinators had not considered their traditional collaboration style unusual and had not thought about capitalizing on those joint initiatives to make a policy case that works best for local emergency management.
- The concept of natural relationships was praised for its practical approach and reflection of real need.
- Remaining questions:
 - How to concisely explain the concept.
 - What may be offered to the legislature as proof that the approach works.
 - Potential state-provided incentives for substantive multi-jurisdictional initiatives.
 - Documenting that this approach does not eliminate the need for an EMC in each county.
- Comments:
 - This has been done in the area of the drug task force. Districts were drawn and were fought to preserve and enhance existing relationships.
 - If the legislature would get out of the way, counties would continue to work together. My concern is that some counties may be orphaned under this approach. IEMA should begin to put pressure on the legislature to see that local emergency management belongs at the local level.
 - Mutual aid compacts are an important relationship and are important to take credit for.
 - I agree whole-heartedly that local governments are doing what they can to create relationships. Defining the way you operate is important for policymakers to understand. Be good advocates for yourselves!
 - The members of the legislature don't know what is happening across county lines, and educating them on what you are doing is fine.
 - We need to make sure that we mean collaboration, not reducing the number of coordinators. Unfortunately, we see supervisors looking at a cost benefit analysis and thinking about having a regional coordinator.
 - I have had thought on that when they made the homeland security regions based on planning and not based on delivery of services. They need to be based on delivery of services and not on planning of response.

Using These Findings

The Study of the Structure of Emergency Management Advisory Committee must now consider the comments and thoughts of the many participants as it reviews the preliminary recommendations and finalizes its report. The Advisory Committee needs to keep three factors in mind as the final deliberations are undertaken:

- Input from the IEMA Executive Board represents, to a great degree, the on-the-ground implementation of any recommendations and of any advocacy to bring about those recommendations.
- The value of a holistic approach to changes to the structure of local emergency management so that the impacts are intentional and understood in advance.
- Future demands on the local emergency management SYSTEM and the support that will be required from the full range of stakeholders, as represented by this Advisory Committee.

Focus Group Script

Study of the Structure of Local Emergency Management

April-May 2005

1. Greeting the group. Thanks for attending.
2. Introduce SPPG staff.
3. Self-introductions of participants. Name, county, and how long have been in your role.
4. Introduce topic. Local emergency management has evolved considerably over the past 50 years. Many involved have voiced dissatisfaction with some part of this local system. We are here to ask some specific questions and hear what you have to say. Because you play a role in EM, it is important to know how you think and how you believe local emergency management should be structured.
5. Staff capture on laptop.
6. Non-attributable comments.
7. Conducting 6 meetings with EMCs; 12 with commission members; 12 with first responders and other local stakeholders. It is important to us that these meetings be segmented into groups to help us identify where there are common views and where there may be more variation.
8. Rules of the day – short comments; everyone gets to talk; need to stay on schedule.
9. Use of script for comparable findings.
10. Background:
 - a. Purpose of this effort to identify what, if any, problems exist with the **structure** of local emergency management.
 - b. Task Force is responsible to provide guidance and assist in making determination of any changes needed. 17 members; represent EMC, Commission, first responders.
 - c. IEMA executive board role as a reality check.
 - d. Began last fall; to complete initiative by the end of 2005.
11. This is NOT about:
 - a. “Regional” funding structure for ODP funds.
 - b. Any county’s performance in program or county services.
 - c. Making any decisions today.
12. We are here to gather information, specifically your opinions with some facts to back them up. We hope there are different views in the room and we can hear your honest thoughts today.

Premise 1: Think back to the early 1950s and what emergency management meant then. In the “good old days,” floods and tornadoes were mostly dealt with by local neighborly efforts and the work of fire departments. Many of you are probably not that old, but some probably remember 1960s with the Fallout Shelters and the “Duck and Cover” drills in grade school. Emergency management as we know it today emerged from the shadows of the Cold War. The Floods of 1993 created the first real attention to emergency management that “Joe Citizen” noticed in Iowa. Then, with the threats of events like Oklahoma City and the World Trade Tower/Pentagon attacks, emergency management was pushed into the limelight whether it was ready or not. Given this very brief background, please consider the following questions.

1. What is emergency management’s role in your community?
2. Now think about emergency management 20 years from now, in the year 2025. Take your pencil and paper and quickly write down your thoughts: Based on what you know about emergency management today and where it may be heading, what changes do you see in the **role** of emergency management by 2025?
3. What public or private agencies are or should be involved in emergency management at the local level? Let’s go around the room and each of you toss out one response and we’ll keep going until you are finished.
4. For the rest of this discussion, we want to think of emergency management as having a “little e, little m.” That is, emergency management is much more than a county office, or an individual, and it includes all the responsibilities and players in the community and county taken as a whole. Given that definition, what lasting impacts do you believe the recent emphasis on homeland security will have on local emergency management here in Iowa?

Premise 2: Local Emergency Management is established in Iowa law and state rules, and has been tweaked from time to time as the situation changes. At this time, each county is required to have a local emergency management commission, and that commission appoints a coordinator. There are some other elements to the law and rules, and there is a lot of flexibility in the system. In talking to various people and in the work of this project’s Task Force of people involved with emergency management in Iowa, we have heard that this flexibility has its advantages and disadvantages. To give a thorough review of how the structure works, it is important to look at all angles.

1. Take out your paper and pencil again. Not every part of the state is alike, and the flexibility in the structure of local emergency management reflects that. The required responsibilities of local emergency management are those that are included in federal law, state law, or both. Write down two of the responsibilities that you believe are the most critical for your community? What did you write down, and why?
2. We’ve heard some county emergency management coordinators refer to their role as “the landfill of county government” because when something new comes along and it doesn’t

clearly fit in another agency, it gets assigned to the emergency management office whether it fits or not. Write down why you agree or disagree with this comment.

3. The structure of a county emergency management commission is established by state law, but it doesn't always look that way in practice. Also, a county coordinator's job and responsibility varies greatly from county to county. Pick up your pencil again and write down one advantage to this flexibility and one disadvantage to this flexibility.
4. When we think of emergency management – little e; little m – where all the responder and preventer agencies have a responsibility, how does or how should the structure reflect the shared, or cross-discipline, responsibility?
5. How does the current structure encourage or discourage proactive emergency management initiatives ideas or projects?

Premise 3: Local emergency management can typically be described by some as a "lower-priority" function of local government. It is human nature to not worry too much about things that aren't currently causing trouble...the squeaky wheel syndrome. On the other hand, when Mother Nature intervenes or other events occur, there is an expectation to have flawless execution of mitigation, response, and recovery operations. We have intentionally not talked yet about human resources, authority, or funding, but these are also important factors. Let's talk about them now.

1. The county emergency management commission, as defined in the law, is made up of a representative of the county board of supervisors, the sheriff, and the mayors of each of the towns in the county. Are these the individuals who actually participate in your Commission activities and, if not, who does?
2. Think back to your ideas about local emergency management (little e; little m) in 2025. Pick up your pencil again and write down your idea for any changes to improve the governance structure, if you think that is needed, to best meet the challenges in 2025.
3. Local emergency management is chronically under-funded and continues to be given more responsibilities. Iowa law does not give taxing authority to local Commissions. While the fact is that Iowa Code requires local emergency management be funded and provides four options for that funding, the law does not mandate that any specific entity of government provide the funds for local emergency management. We need to look for creative and new ways to increase funding. In this next question, you cannot simply answer by calling for more federal or more state funds. So, write down how you would change the current structure so additional funds would be available to local emergency management...and make your idea at least in the broad realm of possibility.
4. One issue that may be related to the previous issues of funding and a very flexible structure is that county emergency management coordinators and any other staff are employees of the local commission, according to Iowa law, and the commission determines the personnel policies and benefits for those staff. It becomes complicated, though, when you consider the commission must rely the good hearts of a county or city government to take staff under its

wing to provide those benefits, and staff may be considered employees of that other entity for purposes of benefits. How might staffing be structured to provide a clearer and more consistent “place” in local government for these staff, as well as a set of benefits and protections to those individuals working for emergency management?

5. County emergency management coordinators perform in jobs where the list of required duties and responsibilities are largely dictated by federal and state law. Additional non-emergency management responsibilities are often added, such as 911. Many full-time coordinators say the job is greater than one person could do well, and the job requirements require widely varying skills ranging from planning to training. Tell us what you think about the necessary level of staffing for a county office. Should a minimum staffing level be required? Should it be based on county size or population? Should job responsibilities be split with other local departments with compatible responsibilities or with emergency management staff in other counties?

Round Robin: If you were king or queen of the world, what would you tell the Study Task Force is the most important priority in structuring emergency management to be most effective for the future?

Focus Group Script – Round 2

Study of the Structure of Local Emergency Management

October-November 2005

1. Greet the group. Thanks for attending.
2. Introduce SPPG staff.
3. Self-introductions of participants. Name, job, county, and how long have been in your role.
4. Introduce topic. A study has been underway since late last year to look at how local emergency management can best serve the needs of the people. It has been guided by a local group and aims to address the issues that have been voiced over the years. We are here to bring you preliminary recommendations of the Advisory Committee and get your response and further comment about them. The process has included:
 - a. Advisory Committee; IEMA Exec. Board; spring focus groups
 - b. Now 6 focus groups and also evening presentations and discussion in 6 towns
 - c. Complete by the end of 2005
5. Staff capture on laptop.
6. Non-attributable comments.
7. Conducting 6 focus groups statewide including representation of all stakeholders.
8. Rules of the day – short comments; everyone gets to talk; need to stay on schedule.
9. Use of script for comparable findings.
10. We are here to gather information, specifically your opinions with some facts to back them up. We expect there are different views in the room and we can hear your honest thoughts today.

Premise 1: Back in May we spent a lot of time talking with first responders, county emergency management commissioners, and emergency management coordinators in 30 meetings spread across the state. The Advisory Committee sorted through the information that came from those meetings, got additional input from the Iowa Emergency Management Association (IEMA), and identified overarching themes. We will spend the remaining time talking about those themes, starting with some general views.

1. Emergency management is very different than it was in the 1960s, 1980s, and certainly the 1990s after the all-hazards approach emerged after the floods of 1993. Today, emergency management as a system goes FAR beyond the county Emergency Management Agency, which coordinates related activities, but is not a responder. In your community, how active

are the responder/preventer disciplines in emergency management, and what more needs to be done to get stakeholders fully involved?

2. Given the many changes in emergency management and the accompanying requirements to address homeland security challenges, what is the image of emergency management in your community? What differences are there in how people see emergency management in general and how they see the county's Emergency Management Agency?
3. Emergency Management Agency staff do not fit into a traditional employee model because of the legal structure of their employer, the Commission. Most are not performing emergency management responsibilities full-time, often leaving them in positions without benefits. How do you view the status of EMA staff, and how might their employee standing be improved, if you think that is necessary?

Premise 2: The ideas you provided so far don't require changes to the Iowa Code or Administrative Rules. The remaining three themes that emerged from the spring activities and outreach do deal with areas in which a Code or Rules change might be required. We now will talk about governance. Local Emergency Management Agencies are now governed by a Commission that, according to Iowa law, consists of a representative of the county Board of Supervisors, the mayor of each city in the county, and the sheriff.

1. The Advisory Committee is recommending no change to the requirements of Commission membership. Why do you agree or disagree with this recommendation?
2. If I were to tell you that some Iowa counties do not have an Emergency Management Commission or that the Commission has a hard time getting a quorum at meetings, how and why would your recommendation about the make-up of the Commission change?
3. The Advisory Committee also considered suggestions made last spring that governance of the Emergency Management Agency be given to the County Board of Supervisors, become a department of county government, be expanded to include other disciplines such as public health, and to develop a multi-county governance structure. Do you think any of these options provide a better governance structure than the current make-up? Why?
4. The Advisory Committee's recommendation was based on the premise that the governing body of local emergency management should include representatives of the local governments that are directly involved in funding decisions. Do you agree with this rationale – why or why not?

Premise 3: Closely related to governance is the issue of authority, which quickly relates to financial authority. Under current law, the Emergency Management Commission does not have taxing authority. The Commission develops a budget, but has no authority to generate revenue to support that budget. Iowa law does not specify which of the four options must be used to fund local emergency management, but does say it must be funded from one or more of the options.

1. If the law were to be more specific, what impact would that have on emergency management agencies and local governments?
2. Several options for authority were considered, including granting the county Board of Supervisors with the authority over the Commission, enforcing the prohibition against line-item vetoes of EMA budgets by Boards of Supervisors, granting the Commission taxing authority, and retaining the Commission without taxing authority. Which do you feel would best serve the needs of local emergency management?

Premise 4: Funding is the final issue area that requires a policy solution. Many people participating in the Spring focus groups expressed views that local government responsibility for funding local emergency management is much less than federal and state responsibility. Specifically, many expect the state legislature to step up to financially support the requirements placed on the local first responders and emergency management agencies. We have already talked about the issue of taxing authority, and the Advisory Committee addressed many other ideas as well.

1. The Advisory Committee recommends that Emergency Management Commissions retain its current non-taxing authority, and have the option of holding a referendum to obtain taxing authority. Does this provide the appropriate level of authority for the Commission charged with protecting the public safety and health of its residents? Why do you hold that position?
2. In addition to the proposed option to create taxing authority in the county, the Advisory Committee recommends changing the “may” to “shall” in the Iowa Code, ensuring that emergency management receives the funding it needs. How well does this set of options provide for the needs of emergency management in your county? What is the likelihood that a tax would be successful when designated for local emergency management agency operation?
3. The Advisory Committee also recommends implementing a reasonable surcharge on insurance policies covering residential and commercial structures. These funds would be designated for local preparedness or mitigation efforts. What do you think about this proposal and its chances for passage?
4. Another recommendation is to impose a state-level per capita “emergency management tax” that would be based on the number of exemptions placed on Iowans’ income taxes. Talk about the value of and viability of this proposal.
5. Finally, the Advisory Committee recommends that the Iowa legislature appropriate from the General Fund monies specifically for the operations of the local emergency management agency. Again, please offer your thoughts on the value and viability of this proposal.

Premise 5: We all know there are ongoing discussions in the Iowa Legislature about regionalization, consolidation of government, and reducing the number of counties and cities. In an effort to get ahead of this movement, the Advisory Committee wants to take a proactive approach. The belief of the Advisory Committee is that emergency management would be in better control of its own destiny if it is proactive in bringing about change that is beneficial to all parties.

1. Many current efforts exist in local emergency management that involve actively sharing and collaborating for efficiencies and better ways to provide services. Tell us about one of these current efforts that are taking place in your county.
2. The Advisory Committee discussed “natural relationships” as a way to encourage cross-discipline and cross-jurisdiction initiatives. Under this model, counties work with other logical partners on an initiative that makes sense for all. For another initiative, the partners may be different counties. In other words, counties should form the relationships based on what works on a practical basis, not on artificial boundaries. What positive or negative implications arise from these sorts of informal alliances?
3. How might the state provide incentives to encourage natural relationships?

Round Robin: From your perspective in planning for emergency management in the future, which recommendation we have discussed today do you feel will have the greatest positive impact for Iowa?

State Public Policy Group

About State Public Policy Group

The Iowa Homeland Security and Emergency Management Division (HLSEM) retained State Public Policy Group, Inc. (SPPG) to facilitate the study of the structure of local emergency management. In this role, SPPG served as facilitator and staff to coordinate and ensure a broad and open process that emphasized stakeholder participation. SPPG gathered and analyzed information and data; worked with a stakeholder advisory group; held sessions with county emergency management coordinators; conducted extensive outreach with county emergency management commissions, first responders and others with responsibilities for emergency management; and drafted this report based on findings and stakeholder input and review.

SPPG is an independent organizational development, issue management, and policy development company. SPPG is a private for-profit firm and is not part of any government entity. SPPG was founded in Des Moines in 1984, and has been involved in a broad array of interest areas and provides services at the local, state, national, and international levels.

SPPG has more than a decade of experience working in homeland security and emergency management. Among related efforts, SPPG led development of Iowa's first statewide multi-hazard mitigation plan and damage assessment process following the floods of 1993; HLSEM strategic planning; statewide outreach; emergency management self-assessment for the State of Iowa; training in local self-assessment and strategic planning for all Iowa counties; review and compilation of data from local self-assessments and plans; development of Iowa's preparedness training strategic plan; and recent completion of the state strategy for communications interoperability.

It is the philosophy of State Public Policy Group to facilitate cooperation among nonprofit organizations, the private sector, and government agencies. With its diverse client base, SPPG is in a position to foster effective communication and alliances among organizations which have common goals, but would not traditionally work together to meet those goals. Because the company has reached across traditional lines of communication in much of its work, SPPG has developed a strong presence and network of individuals and groups throughout Iowa, the Midwest, and the nation who can be called upon by SPPG to support specific initiatives and efforts.

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